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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT
C.A. NO. 2385CV 795-A

_____)
RACHEL PARIKH, Ph.D,)
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Plaintiff,)
))
v.)
))
))
WORCESTER ART MUSEUM,)
MATTHIAS WASCHEK, individually and)
as Director of the WORCESTER ART)
MUSEUM, CLAIRE WHITNER,)
individually and as Director of Curatorial)
Affairs and Curator of European Art at)
the WORCESTER ART)
MUSEUM, DOROTHY CHEN-COURTIN,)
as an officer of the Executive Committee of)
the WORCESTER ART)
MUSEUM, DOUGLAS S. BROWN, as)
an officer of the Executive Committee of the)
WORCESTER ART MUSEUM,)
SARAH G. BERRY, as an officer of the)
Executive Committee of the)
WORCESTER ART MUSEUM, and)
SUSAN M. BASSICK, as an officer of the)
Executive Committee of the WORCESTER)
ART MUSEUM,)
))
Defendants.)
_____)

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COMPLAINT AND JURY DEMAND

Plaintiff Rachel Parikh, Ph.D. ("Plaintiff" or "Dr. Parikh") brings this action for race, color, national origin/ancestry, and sex discrimination and retaliation action in employment in violation of Mass. Gen. Laws. ch. 151B. Dr. Parikh was mocked and ridiculed because she is a brown-skinned woman of South Asian (Indian) descent and subjected to a hostile and offensive work

environment and retaliation during her employment at the Worcester Art Museum (“WAM”). The malicious and relentless harassment made the work environment intolerable and resulted in Dr. Parikh’s constructive discharge. Dr. Parikh brings this action against Defendants Worcester Art Museum; Matthias Waschek, individually and as Director of WAM; Claire Whitner, individually and as Director of Curatorial Affairs and Curator of European Art at WAM; and Dorothy Chen-Courtin, Douglas S. Brown, Sarah G. Berry, and Susan M. Bassick, who are all officers of the Executive Committee of WAM.

PARTIES

1. Dr. Parikh is a brown-skinned woman of South Asian (Indian) descent.
2. Defendant Worcester Art Museum (“WAM” or the “Museum”) is a museum located at 55 Salisbury Street, Worcester, Massachusetts 01609. At all relevant times, WAM was an employer in the Commonwealth of Massachusetts and subject to the provisions of Mass. Gen. Laws ch. 151B.
3. Defendant Matthias Waschek (“Mr. Waschek”) is an individual with an address of 39 Forest Street, Worcester, MA 01609. At all relevant times, Mr. Waschek was the Director of WAM and Dr. Parikh’s superior with control over the terms, conditions, and privileges of her employment. Mr. Waschek reports to the Executive Committee of WAM’s Board of Trustees.
4. Mr. Waschek has been employed at WAM since approximately November 2011, when WAM and its Executive Committee hired Mr. Waschek to replace the then-incumbent Director who was retiring. Mr. Waschek’s most recent job, at the Pulitzer Arts Foundation (“the “Pulitzer”) in St. Louis, Missouri, had ended ten months earlier, in January of 2011. Upon information and belief, WAM and the Executive Committee knew or should have known of Mr.

Waschek's past upon hire. Mr. Waschek separated from the Pulitzer after a number of female staff members came forward with sex and age discrimination and retaliation claims against him.

5. Mr. Waschek's pattern of discriminatory and retaliatory behavior replicated itself at WAM. In 2015, a female employee filed a lawsuit against WAM, Mr. Waschek, and the Executive Committee for age and sex discrimination and retaliation, alleging that WAM and the Executive Committee endorsed and approved the hostile work environment, in complete disregard of the female employee's rights, and that the Executive Committee failed to stop it.

6. Defendant Claire Whitner ("Ms. Whitner") is an individual with an address of 49 Worcester St., Unit 1, Boston, MA 02118. Since approximately June 2018, and at all relevant times, Ms. Whitner was the Director of Curatorial Affairs and Curator of European Art at WAM. Ms. Whitner was Dr. Parikh's direct superior with control over the terms, conditions, and privileges of her employment. Ms. Whitner reports to Mr. Waschek.

7. Defendants Dorothy Chen-Courtin, Douglas S. Brown, Sarah G. Berry, and Susan M. Bassick, at all relevant times, were officers of the Executive Committee of WAM and Dr. Parikh's superiors with control over the terms, conditions, and privileges of her employment.¹

FACTS

Dr. Parikh's Credentials

8. Dr. Parikh is the daughter of parents who emigrated to the United States from India in 1979. Dr. Parikh was born and raised in the Chicago area. She is a native speaker of English,

¹In addition to Ms. Chen-Courtin, Mr. Brown, Ms. Berry, and Ms. Bassick, the other members of WAM's Board of Trustees included: Lawrence H. Curtis, Jennifer Davis Carey, James C. Donnelly, Jr. Mark W. Fuller, Jennifer C. Glowik-Adams, Karen M. Keane, Sohail Masood, Margaret McEvoy-Ball, Thomas P. McGregor, Philip R. Morgan, Malcolm A. Rogers, Jonathan R. Sigel, Anne-Marie Soulliere, Cynthia L. Strauss, George W. Tetler III, Christina Villena, and Valerie Zolezzi-Wyndham.

Gujarati, and Hindi with advanced proficiency in several other languages including Spanish, Sanskrit, Arabic, and French.

9. Dr. Parikh is a highly accomplished expert in her field, specializing in South Asian and Islamic art, with an emphasis on works on paper and arms and armor. She earned a B.A. in the History of Art, *Cum Laude and with Distinction*, from the University of Illinois at Chicago, Chicago, MA; a M.A. in the History of Art *with High Distinction*, from the Courtauld Institute of Art in London, United Kingdom; a M.Phil. in the History of Art and Architecture *with Distinction*, from the University of Cambridge, Cambridge, United Kingdom; and a Ph.D. in the History of Art and Architecture *with Distinction*, from the University of Cambridge, Cambridge, United Kingdom.

10. After receiving her Ph.D., in 2014, Dr. Parikh worked at several prestigious institutions including but not limited to The Art Institute of Chicago, The Metropolitan Museum of Art in New York, and the Harvard Art Museums. Her curatorial activity is extensive and she had developed, executed, supervised, and coordinated multiple exhibitions, gallery rotations, and installations.

11. Dr. Parikh is also a published author and scholar, having published a book, edited authoritative volumes, and written numerous book chapters, articles, catalogues, catalog entries, and reviews and having presented at lectures, conferences, and seminars. Additionally, Dr. Parikh has served as a media consultant and had several media appearances and is the recipient of numerous awards and honors for her work. Dr. Parikh also has a significant social media presence. Her Instagram account (@rachel.parikh) which is dedicated to arms and armor, has nearly 35,000 followers.

Dr. Parikh's Hire

12. In or around November 2019, Dr. Parikh learned of a job opening at WAM, as the incumbent, who held the title of Associate Curator of Asian Art and Global Contemporary Art, was leaving. Following a phone interview, WAM invited Dr. Parikh to the Museum for an in-person interview.

13. The interview took place on December 16, 2019. The interview started at 9:00 a.m. and consisted of a tour of the Asian Galleries; a 45-minute presentation by Dr. Parikh followed by a question and answer session with Museum staff plus a tour of the conservation labs, and a lunch with Mr. Waschek and Ms. Whitner.

14. At the end of the day, after the interview had ended, Dr. Parikh changed out of the outfit she had worn during the interview—black slacks, a long sleeve dark green blouse, and gray-greenish flats-- into a Harvard sweatshirt, black leggings, and Nike gym shoes while she waited for the rideshare van organized by the Museum that would pick her up and take her to Logan Airport in Boston. Dr. Parikh had a long journey home ahead of her that included two hours in the rideshare van, followed by several more hours at the airport before her flight departed.

15. WAM interviewed a total of three candidates, including Dr. Parikh, for the open position. Upon information and belief, one of the two candidates was a porcelain specialist working on a Ph.D. and the other was a post-doctoral student at Yale with no museum experience. Following Dr. Parikh's interview, Ms. Whitner asked a museum staff member for their feedback with respect to the three interviewees. The staff member told Ms. Whitner that Dr. Parikh was by far the most qualified candidate. Ms. Whitner responded by expressing "concerns" that Dr. Parikh did not have "the look" of curator given the outfit she was wearing for the trip to the airport.

16. In or around the first week of January 2020, WAM offered Dr. Parikh a position as an Assistant Curator with a starting salary of \$50,000.² The job was advertised as an Assistant Curator position, but Dr. Parikh wanted to negotiate for the higher title of Associate Curator, given her experience. At the time she applied to WAM, Dr. Parikh had six years of museum experience including: one year as a Research Associate at the Art Institute of Chicago; two years as the Andrew Mellon Postdoctoral Curatorial Fellow at the Metropolitan Museum of Art, New York; and, three years as the Calderwood Curatorial Fellow in South Asian Art at the Harvard Art Museums. Dr. Parikh also had a book based on her Ph.D. dissertation (University of Cambridge, 2014) coming out that was published in April 2022.

17. Ms. Whitner told Dr. Parikh that WAM would not give her an “Associate” title because the then-curator for American Art at WAM, a white woman named Erin Corrales-Diaz, had the “Assistant” title and she had “the same amount of experience” as Dr. Parikh so it would not be “fair” to Ms. Corrales-Diaz. Dr. Parikh later learned this was untrue as Ms. Corrales-Diaz did not have the same amount of curatorial experience as Dr. Parikh. Unlike Dr. Parikh, who had 6 years of such experience at three prestigious museums, Ms. Corrales-Diaz had only worked at a small collection, The Johnson Collection, in Spartanburg, South Carolina, for approximately two years and ten months.

18. Dr. Parikh did not understand why her position, title, and experience had anything to do with Ms. Corrales-Diaz and her position but decided to take the job for several reasons. Dr. Parikh’s specialty is South Asian and Islamic art, with an emphasis on works on paper and arms and armor and WAM has the second largest collection of arms and armor in the country. Additionally, Dr. Parikh already knew some of the employees who worked there. Further, Dr.

² The salary that WAM offered Dr. Parikh’s was so low that she qualified for public housing assistance in Worcester. Dr. Parikh negotiated a \$1,500 increase plus a one-time signing bonus of \$5,000.

Parikh would have the opportunity to oversee an extensive collection--WAM's Asian and Middle Eastern Collection consists of over 9,000 works of art, spanning ancient to contemporary, from the Middle East to Southeast Asia--and a major project renovating the Asian art galleries. Ultimately, although WAM refused to give her "Associate Curator" title, at Dr. Parikh's request, WAM agreed that her "Assistant Curator" title should be expanded to "Assistant Curator of Asian and Middle Eastern Art" to better reflect the scope of both the collection she would oversee as well as her expertise.

19. On or around February 18, 2020, Dr. Parikh arrived in Worcester for her first day at WAM, where she would spend a week.³ During that time, apart from receiving her badge and keys, WAM paid little attention to her. Although Ms. Whitner was also in the Museum,⁴ she did not introduce Dr. Parikh to anyone, take her around to meet people, give her a tour of the Museum offices or the like. Dr. Parikh had to initiate these things herself. Dr. Parikh also did not have any office supplies (pens, stapler, etc.) or a proper desk chair and her office had been left in disarray since her predecessor's departure. Dr. Parikh spent most of her time cleaning up her office that week. It was as if Dr. Parikh's presence at WAM was an afterthought.

20. On or around March 13, 2020, the COVID-19 pandemic hit. WAM closed until further notice.

21. On or around April 14, 2020, WAM held its first virtual all-staff meeting on Zoom. Dr. Parikh was in attendance, but she was not introduced as a new member of staff. It was not until a member of staff, typed into the chat "Welcome Rachel Parikh, our new curator of Asian Art!"

³ The plan was that Dr. Parikh would relocate to Worcester in June 2020.

⁴ Ms. Whitner also has a home in Copenhagen, Denmark, where her husband and young son live.

that a member of leadership team introduced Dr. Parikh and asked her to say a few words. It was clear the leadership team had forgotten that Dr. Parikh was even an employee.

Dr. Parikh Complains About Racism at the Museum

22. On or around December 7, 2020, Dr. Parikh met with Ms. Whitner to discuss her concerns about racist, dated, and insensitive language used by another Museum employee in connection with a press release. Dr. Parikh had asked the employee to remove the language from the press release before sending it out. The employee removed the offensive language from the final version of the press release presented to Dr. Parikh for review, but then, without Dr. Parikh's knowledge, added the language back in at the last minute before it went out.

23. When Dr. Parikh informed Ms. Whitner of her concerns about the offensive language, Ms. Whitner dismissed, demeaned, and chastised Dr. Parikh, responding: "on the spectrum of racism, it isn't that bad" and "I am going to tell you what I tell my two-year-old son when he is having a temper tantrum 'just breathe.'" Ms. Whitner then gestured with her hands in a circular, rainbow-like motion. Ms. Whitner equated a brown woman's concerns about racism with her two-year-old white child's temper tantrum.

Mr. Waschek and Ms. Whitner State that Dr. Parikh Needs to "Zsuzh Up"

24. On or around February 26, 2021, Dr. Parikh gave a virtual lecture to the members of WAM's Salisbury Society.⁵ The event was extremely successful. Afterward, Mr. Waschek sent Dr. Parikh a text praising her presentation. The Museum's former Manager of Giving stated that not a single person dropped off the presentation, which was a record.

25. On or around March 24, 2021, Dr. Parikh met with Ms. Whitner. Ms. Whitner

⁵ The Salisbury Society is a group of WAM members who have to give at least \$1,500 annually to maintain membership.

stated that she wanted to convey a comment on behalf of Mr. Waschek regarding the talk she gave almost a month ago. Ms. Whitner said that Mr. Waschek stated: "It was a fantastic talk, but she [Dr. Parikh] needs to look like a curator." Ms. Whitner then proceeded to tell Dr. Parikh that she needed to "zhuzh up," that Dr. Parikh should "wear makeup, perhaps little earrings, a necklace, a ruffled blouse," and that "as a young curator" she "needs to do these things" and that Dr. Parikh "needed to look like a curator." Dr. Parikh defended herself and noted that she wore a black sweater and a silver necklace. Ms. Whitner continued to tell Dr. Parikh that she needed to "zhuzh" up and wear makeup.

26. WAM's Employee Handbook does not require curators to do any of the things that Ms. Whitner stated she and Mr. Waschek felt Dr. Parikh must do. Ms. Whitner's comments to Dr. Parikh, a person of color, suggested that she was being viewed as "unkempt" and "primitive." There is no standard for what a curator should "look like." Telling the only curator of color at WAM that she needs to "look like a curator," has both sexist and racial connotations, especially since the curatorial field is predominantly white.

27. After commenting on Dr. Parikh's "look," Ms. Whitner then proceeded to tell Dr. Parikh that her exhibition might be moved from Fall 2023 to Spring 2024 so that Ms. Corrales-Diaz "had an opportunity to work on another project, as it would have been a while." Ms. Corrales-Diaz's exhibition was just about to open in June 2021, a little over three (3) months away. Accordingly, it would only have been a little over two years since Ms. Corrales-Diaz had her next project. Dr. Parikh pointed this out and the fact that, unlike all other curators, she had yet to have her own project on schedule.

28. Later that day, Dr. Parikh met over Zoom with Valerie Zolezzi-Wyndham, a

member of the WAM Board of Trustees, and a professional diversity, equity and accessibility, and inclusivity (“DEAI”) consultant for the Museum⁶ to discuss what Ms. Whitner had communicated to Dr. Parikh earlier. Dr. Parikh and Ms. Zolezzi-Wyndham had met through their membership on WAM’s DEAI Committee.

29. Ms. Zolezzi-Wyndham suggested that Dr. Parikh talk to Ms. Whitner about the comments communicated to her. Dr. Parikh said that she feared retaliation. Ms. Zolezzi-Wyndham then suggested that Dr. Parikh talk to Bonnie Losavio (“Ms. Losavio”), the Chief Operating Officer for the Museum, instead if Dr. Parikh felt comfortable and had the opportunity to do so. At the time, Dr. Parikh did not feel comfortable.

Dr. Parikh Resigns from the DEAI Committee and Complains to Ms. Losavio

30. On or around April 27, 2021, the DEAI Committee hosted a virtual informal gathering via Zoom over lunch that was open to all Museum staff. The topics under discussion were allyship/how to be a better ally and also posts written on the Instagram account, Change the Museum (@changethemuseum). The account is a forum for people to anonymously post their personal experiences of racism, sexism, and other types of offensive and discriminatory behavior. When the Instagram account was brought up, several members of the group immediately attacked it.

31. One staff member derided the Instagram account as being “all just anonymous venting.” A Human Resources staff member also spoke derisively of the posts, stating “[w]hy don’t they report this to HR instead of just coming on Instagram to anonymously say something?” Dr. Parikh chimed in, saying that many people do not feel comfortable or safe going to HR because there is a fear of retaliation and isolation from others—and that she knew this firsthand from her

⁶ Ms. Zolezzi-Wyndham is the founder of a consulting company called “Promoting Good.”

own experiences and from other colleagues. Dr. Parikh stated that one becomes a victim twice – of the discrimination and then of the aftermath of reporting it. Dr. Parikh further stated that the group should not be judging how people process deeply painful experiences, especially in a group that supposedly was committed to DEAI work and now—seemingly ironically---discussing allyship.

32. The majority of the people in attendance were white. The group was silent after Dr. Parikh’s speech and then the discussion awkwardly shifted to another subject. Later that day Dr. Parikh got a call from Eliza Spaulding (“Ms. Spaulding”), Paper Conservator and DEAI Specialist at WAM, apologizing for not saying anything in support of Dr. Parikh’s comments. Ms. Spaulding stated that that she was “in shock” at what the group members had said and “did not know how to process what happened.” Dr. Parikh told Ms. Spaulding that she was resigning from the DEAI Committee and noted that it was ironic that a person of color was resigning from the very committee that was supposed to promote diversity, equity, accessibility, and inclusivity because she was made to feel uncomfortable and isolated.

33. In or around May 2021, during a meeting with Ms. Whitner, Dr. Parikh brought up her need for a flexible remote work schedule. At that time during the pandemic, the Museum began discussing staff return-to-work schedules and protocols. Dr. Parikh stated that she had spoken to Ms. Corrales-Diaz and that Ms. Corrales-Diaz had told her that Ms. Whitner had approved of her having a flexible remote work schedule, so that she could work from Worcester and Spartanburg, South Carolina, where her husband lived and worked. Ms. Whitner herself spends most of her time in Copenhagen, Denmark, where she lives with her husband, who works at the University of Copenhagen, and her young son. WAM and Mr. Waschek had approved Ms. Whitner’s arrangement several years earlier, before the pandemic.

34. Dr. Parikh said that she would like to have a flexible remote work schedule as well, so that she could continue to see her doctor in Chicago for an ongoing medical condition. Ms. Whitner told Dr. Parikh that she was “not sure” if that would be possible. Dr. Parikh reminded Ms. Whitner that the reason for her request was because she had a medical condition. Ms. Whitner said she would “think about it.”

35. On or around June 3, 2021, Dr. Parikh met with Ms. Spaulding and Ms. Losavio. Dr. Parikh brought up the comments made to her about “zhushing up,” the response to her concerns about the use of the racist language in the press release, and the response to her request for a flexible remote work schedule. Dr. Parikh wrote an email recapping the discussion, but also expressed her fear of Ms. Losavio bringing up all of these issues with Ms. Whitner because of retaliation. Dr. Parikh said that she enjoyed her job, despite the foregoing, that she knew that addressing these issues with Ms. Whitner would make things even worse, and that she was not in the space to handle the outcome of talking with Ms. Whitner at that moment. Dr. Parikh asked that Ms. Whitner only be spoken to about the flexible remote work schedule at that time. Ms. Losavio said that she understood and indicated that Dr. Parikh needed to feel safe and comfortable first.

WAM Resists Promoting Dr. Parikh

36. On or around September 27, 2021, Ms. Whitner sent an all-staff email about Ms. Corrales-Diaz leaving her position at the end of October.

37. On or around October 27, 2021, Dr. Parikh had a meeting with Ms. Whitner over Zoom. They discussed the postings going up for two positions: Assistant or Associate Curator of American Art (to replace Ms. Corrales-Diaz) and Assistant or Associate Curator of Contemporary Art. Ms. Whitner stated if WAM hired at the Assistant level for either role, Dr. Parikh would receive a pay increase to reflect her experience at WAM.

38. Dr. Parikh told Ms. Whitner that she had actually wanted to bring up these positions in relation to her job at this meeting. Dr. Parikh expressed concerns about being at the same level and stated that she should be considered for a promotion to Associate Curator. Dr. Parikh reiterated that when she started at WAM, she brought six years of museum experience from some of the country's top institutions-- The Art Institute of Chicago, The Metropolitan Museum of Art in New York, and Harvard Art Museums—to bear on her work; had a Ph.D. from the University of Cambridge; had a book coming out; had an extensive publishing and presentation record; and, had a reputation as one of the few experts in her field.

39. Dr. Parikh further noted that she now had approximately 8 years of experience under her belt, and, since starting at the Museum, had demonstrated both leadership and ability to do her role. Dr. Parikh seamlessly went into the position during the pandemic without having had guidance or training – again, because of her years of experience, she was able to do so. Dr. Parikh successfully was able to get the largest grant for an exhibition from the Carpenter Foundation that WAM had received from that donor over the past 22 years; had actively made acquisitions; had orchestrated WAM's first virtual exhibition; and, was currently developing two major in-house exhibitions; three traveling shows; and a major renovation of WAM's Asian galleries. Dr. Parikh had also pointed out that her collection was the most diverse at the Museum, spanning ancient to contemporary periods; Middle East to Southeast Asia; and covered a variety of mediums, cultures, languages, and religions.

40. Ms. Whitner said to Dr. Parikh: "I hear you and understand you, but there is no money, especially if we hired the other two curators at the associate level. I am trying to work on this." She also stammered "even though you had six years of museum experience, you were just a fellow," and that "Rachel, when you are in my position, you will understand." Dr. Parikh was taken

aback by this response because it seemed that two people who had not even been hired yet were being treated more favorably than Dr. Parikh.

41. Thereafter, Dr. Parikh saw WAM's job postings for the Assistant/Associate Curator of American Art and the Assistant/Associate Curator of Contemporary Art positions online. Both stated that, to be considered for the associate level positions, the candidate must have 3-5 years of curatorial experience with a Ph.D. or 4-7 years with a Masters. When Dr. Parikh started at WAM, she *already* had 6 years.

*Mr. Waschek and His Husband Mock and Humiliate
Dr. Parikh Because She is an Indian Woman*

42. On or around November 5, 2021, Dr. Parikh moved to Worcester.

43. On or around November 7, 2021, Dr. Parikh met Mr. Waschek and his husband, Steve Taviner, at a local restaurant for a "welcome to Worcester" and WAM brunch. Both Mr. Waschek and Mr. Taviner ordered cocktails. Dr. Parikh did not drink. Mr. Waschek asked Dr. Parikh "What is your real name?" and she responded "It is Rachel. That is my name." Mr. Waschek responded, "Rachel is your real name? Why is your name Rachel?" Mr. Waschek's question was deeply personal, tied to Dr. Parikh's parents' immigration story and the racism they faced in the 1970s when moving to the United States. Dr. Parikh responded: "It is a personal story."

44. At that point Mr. Taviner stated "Oh! That reminds me of *Goodness Gracious Me!*" and Mr. Waschek said "Oh yes! Rachel, have you heard of the British sitcom, *Goodness Gracious Me?* Dr. Parikh said "No." Mr. Waschek and Mr. Taviner proceeded to tell Dr. Parikh about how the sitcom is about an Indian family in Britain, and that in one of the skits, they go to an English restaurant and have a hard time pronouncing the waiters' western names.

45. Mr. Taviner then proceeded to mispronounce the name "Jonathan" while imitating an Indian accent and doing the stereotypical Indian head-nod. Then Mr. Waschek said: "yes, and

then the wife sits on the floor of the restaurant and says, ‘I am going to sit in the traditional way and away from the men.’” Mr. Waschek imitated an Indian accent in a falsetto voice while doing the stereotyped Indian head-nod, as he was reciting the character’s line. Mr. Waschek and Mr. Taviner continued to imitate the other characters commenting on how bland the food was at the restaurant.

46. These comments were unwelcome, offensive, and the incident was humiliating and deeply disturbing for Dr. Parikh. She grew up in an all-white community on the north shore suburbs of Chicago. Her elementary, grade school, and junior high had been mostly white — less than ten percent of the student population was of color. She was bullied from kindergarten through 8th grade for being Indian. Boys would imitate Indian accents or repeat things she said back to her in an Indian accent. Over the past 24 years, nobody had ever spoken to her or humiliated her in this way until this brunch.

47. Mr. Waschek also commented on the fact that Dr. Parikh was not drinking, and persistently asked why she did not drink alcohol. Dr. Parikh said it was for personal reasons, and yet both Mr. Waschek and Mr. Taviner continued to press her as to what those personal reasons were.

48. After the brunch, Dr. Parikh, Mr. Waschek, and Mr. Taviner were standing outside the restaurant when Mr. Waschek asked if she needed to be dropped off at her apartment. Dr. Parikh’s apartment was approximately a 10-minute walk from the restaurant. Dr. Parikh politely declined and said she wanted to check out a grocery store that just opened down the street.

49. Mr. Taviner then said “Oh, we need cheese for our party tonight! We can walk her down there.” Mr. Waschek agreed. Dr. Parikh, Mr. Waschek, and Mr. Taviner then walked down to the grocery store.

50. Once inside the grocery store, Mr. Waschek asked Dr. Parikh if she liked aubergine. She said “yes.” Then, Mr. Taviner, who was on the other side of Dr. Parikh, stated: “The mother on *Goodness Gracious Me* always talks about how she makes food better than restaurants and that there was no need to go to a restaurant. She says, ‘give me an aubergine and I’ll make anything.’” Mr. Taviner recited the line in an Indian accent and falsetto voice while doing the stereotypical Indian head-nod while Mr. Waschek laughed. Dr. Parikh again was offended and humiliated.

51. Mr. Waschek again asked Dr. Parikh again if she needed a ride back to her apartment. Dr. Parikh again politely declined, stating that she wanted to take more of a look around the small grocery store. After Mr. Waschek and Mr. Taviner left, Dr. Parikh immediately called her mother to tell her what happened.

Dr. Parikh Complains to WAM About Discriminatory Treatment

52. On or around November 12, 2021, Dr. Parikh met with both Ms. Losavio and Ms. Spaulding. Earlier in the week, after Dr. Parikh had reported what had happened at the brunch with Mr. Waschek to Ms. Spaulding, Ms. Spaulding had suggested approaching Ms. Losavio about it.

53. During the meeting, Dr. Parikh told Ms. Losavio and Ms. Spaulding about Mr. Waschek and Mr. Taviner imitating Indian accents at the brunch, as well as asking offensive questions about her name. Ms. Losavio suggested that either she or Dr. Parikh talk to Mr. Waschek. Dr. Parikh said that she was very concerned about retaliation. A WAM colleague had told her that when she included comments critical of Ms. Whitner in an evaluation, Ms. Whitner retaliated against her. Dr. Parikh had also learned of retaliatory and vindictive behavior exhibited by Mr. Waschek.

54. Dr. Parikh also brought up WAM’s refusal to promote her. Dr. Parikh recounted what Ms. Whitner had said to her on October 27th and described the job postings. Dr. Parikh noted

her previous curatorial experience, as well as her accomplishments during her time at WAM so far, and the nature of her role. She also expressed concerns that, as a woman of color, WAM seemed to hold her to a completely different standard, especially in light of the comments that were conveyed to her regarding her by Ms. Whitner about her appearance earlier that year. Dr. Parikh further stated that her value, success, and ability to move up should not be contingent on individuals who did not even work for the institution and who had nothing to do with her.

55. Ms. Losavio said that she appreciated that Dr. Parikh had shared her concerns and that she needed to think things over, but that her next step likely would be to discuss Dr. Parikh's concerns with Ms. Whitner. Dr. Parikh again expressed fear of retaliation. Ms. Losavio asked Dr. Parikh to email her a recap of their discussion, which she did.

WAM Treats New Hires More Favorably Than Dr. Parikh

56. On or around January 14, 2022, Ms. Whitner advised Dr. Parikh that she was being promoted to "Associate Curator of the Arts of Asia and the Islamic World" and that her new salary would be \$63,000.

57. On or around February 7, 2022, during a virtual Curatorial Weekly Meeting, Ms. Whitner announced that a white woman named Natalia Vieyra would be joining WAM's curatorial department as the curator of American art.

58. Ms. Vieyra had two years of post-graduate museum experience as the "Maher Curatorial Fellow of American Art" at the Harvard Art Museums from September 2019 to September 2021. From approximately 2016 to 2019, Dr. Parikh had worked as the "Calderwood Curatorial Fellow" at the Harvard Art Museums, which was essentially the same type of fellowship and had similar curatorial duties as the Maher fellowship. Ms. Whitner did not specify whether WAM was hiring Ms. Vieyra at the Assistant or Associate level.

59. On or around February 9, 2022, Dr. Parikh had a virtual meeting with Ms. Whitner. During this meeting, Ms. Whitner told Dr. Parikh that she wanted to inform her first about Ms. Vieyra's position before the rest of the curatorial team, considering the "circumstances" surrounding Dr. Parikh's recent promotion. Ms. Whitner told Dr. Parikh that WAM had offered Ms. Vieyra an Associate level position.

60. Dr. Parikh was stunned. Dr. Parikh questioned why it was that when she tried to negotiate an Associate title with WAM when she started (and had 6 years of post Ph.D. museum experience), as well as more recently, her credentials were diminished by WAM and she was told that she was "just a fellow," and yet Ms. Vieyra, who had two years of curatorial experience with the same type of fellowship at the same institution where Dr. Parikh worked immediately prior to coming to WAM, was being offered an Associate title. Ms. Whitner simply responded with "I know, but when you are in my position you will understand."

61. On or around February 10, 2022, Dr. Parikh had another virtual meeting over Zoom with Ms. Whitner. During this meeting, Ms. Whitner brought up how much she and Mr. Waschek had wanted another candidate, Devon Zimmerman, for the position that had been offered to Ms. Vieyra. Mr. Zimmerman, a white male, had originally been offered the position, but turned it down to take an Associate Curator position elsewhere. Ms. Whitner also told Dr. Parikh that she and Mr. Waschek so badly wanted Mr. Zimmerman to work at WAM and did not want to "lose him," that they decided to offer him the position of curator of contemporary art even though WAM had not started interviewing for the position. Ms. Whitner stated that she felt that WAM's curatorial webpage contained "30- and 40-year-old women" and they felt that they needed to "diversify" by adding "more men" because they "need[ed] to round out the good-looking women."

Mr. Waschek Again Mocks Dr. Parikh Because She Is an Indian Woman

62. On or around March 8, 2022, Mr. Waschek and Dr. Parikh met for lunch to discuss the installation of the new Asian galleries and ideas for incorporating contemporary Asian or Islamic art at the main entrance to the building.

63. Mr. Waschek thanked Dr. Parikh for assisting him with a talk he gave to the Salisbury Society in January 2022. Dr. Parikh had assisted with some information on the Hindu and Buddhist collection, and Mr. Waschek brought up one of the objects that she helped him with, a sculpture of the Hindu goddess named Parvati. Mr. Waschek said the goddess' name in an Indian accent and then asked, "We have talked about *Goodness Gracious Me*, right?" Dr. Parikh got very uncomfortable and simply said "yes."

64. Mr. Waschek also told Dr. Parikh that his husband, Mr. Taviner, who had been working for Ms. Zolezzi-Wyndham's consulting company, Promoting Good, had been fired by Ms. Zolezzi-Wyndham. He further noted "Steve now is working as a part-time lifeguard at the Y[MCA]."

65. After they finished lunch, Mr. Waschek invited Dr. Parikh to a WAM dinner party at his home with Mr. Taviner for that Thursday, March 10, 2022. Hoping to avoid the dinner party, given what had transpired at the brunch, Dr. Parikh stated that she might have other plans and would need to check. Later that evening, Mr. Waschek followed-up about the dinner invitation and mentioned that the other invitees were two WAM employees who report to Mr. Waschek: Mark Spuria, WAM's Chief Financial Officer, and Phyllis Boot, Mr. Waschek's Executive Assistant. Both are white.

66. Before responding to Mr. Waschek, Dr. Parikh got in touch with a WAM colleague to ask if she thought it would be a "safe" WAM group to have dinner with.

67. The WAM colleague had warned Dr. Parikh about invitations to Mr. Waschek's and Mr. Taviner's home for WAM gatherings. The WAM colleague had told Dr. Parikh about a holiday party that she had attended at their home, noting that she and several other WAM staff had been in attendance including: Jon Sedyl, former Director of Curatorial Affairs and Curator of European Art at WAM; Vivian Li, former Associate Curator of Asian and Global Contemporary Art and Dr. Parikh's predecessor at WAM; and Lauren Szumita, former Curatorial Assistant of Prints, Drawings, and Photographs at WAM.

68. The WAM colleague told Dr. Parikh that she had been conversing with Mr. Taviner about Princess Leia from Star Wars during the party. Mr. Taviner commented that the iconic chainmail bikini Princess Leia wore was "a symbol of empowerment," to which the WAM colleague questioned how it could be "empowering" to be a prisoner chained to a monster.

69. Mr. Taviner then ran up the stairs and minutes later came down wearing a beaver fur coat and went up to all the women asking them to "touch my beaver" while Mr. Waschek laughed. Mr. Waschek then went upstairs and brought down a pillow from their bedroom with a depiction of the French artist, Gustave Courbet's famous painting, *The Origin of the World*, which focuses on a woman's genitalia. An image of the painting is attached hereto at Exhibit A. The WAM colleague also stated the pillow had sewing pins inserted into the woman's genitalia.

70. The WAM colleague also warned Dr. Parikh not to go upstairs if during the WAM dinner party she was offered a tour of Mr. Waschek and Mr. Taviner's primary bedroom and bathroom, the latter of which had strategically placed shower heads that they had suggested were for their sexual pleasure. The WAM colleague had reported the incident at Mr. Waschek's and Mr. Taviner's house to HR at WAM. Nothing happened.

71. The WAM colleague and Dr. Parikh both figured with the CFO and Executive Assistant in attendance, Mr. Waschek and his husband would not act inappropriately. Dr. Parikh confirmed her attendance at the dinner party.

Mr. Waschek and His Husband's Offensive Behavior at the Dinner Party

72. On or around March 10, 2022, Dr. Parikh arrived at Mr. Waschek's and Mr. Taviner's residence for the WAM dinner party along with Ms. Boot. Mr. Taviner told Dr. Parikh and Ms. Boot that Mr. Waschek was "still napping," while Mr. Taviner prepared Indian food in the kitchen.

73. Thereafter, Mr. Waschek came downstairs and then Mr. Spuria arrived. Mr. Waschek, Mr. Taviner, Mr. Spuria, and Ms. Boot drank white wine while Dr. Parikh had water. Mr. Taviner put some Indian snacks on the table, prompting Mr. Waschek to then ask Dr. Parikh if she "had been to the Indian grocery store" [referring to Patel Brothers in Shrewsbury]. She said "no."

74. Mr. Taviner, who was sitting on Dr. Parikh's other side, then said to Dr. Parikh "I was a victim of racism at the grocery store today" and proceeded to say that "The woman at the register interrogated me and asked, 'Do you know what you are doing with these?'" while motioning to the items he had purchased. Mr. Taviner imitated the Indian woman at the grocery store by doing a falsetto voice and in an Indian accent, while Mr. Waschek chuckled.

75. Dr. Parikh said: "It sounds like she was just asking because you were purchasing very specific ingredients from an Indian grocery store tailored to Indians." Mr. Taviner responded

by saying, “Well, I am more Indian than you, more Indian than most Indians. I dated an Indian guy. I cook better Indian food than you and most Indians.” Mr. Waschek continued to grin and laugh.

76. Mr. Waschek then brought up what he felt were impactful works of art at different American and European museums. He stated that if he could get any work of art for WAM, it would be a work by Gustav Courbet, particularly his *Origin of the World*. Mr. Spuria, who did not have an art background, asked what the painting looked like. Mr. Waschek pulled it up on his phone and passed it to Mr. Spuria, while Mr. Taviner went up the stairs from the kitchen and came down with the pillow that the WAM colleague had told Dr. Parikh about. An image of the pillow is attached hereto at Exhibit B.

77. The pillow was red with the Courbet’s work depicted on a separate cloth attached to the pillow. There were beads on the edges of the image, but the most offensive and violent aspect of the pillow was that the woman’s genitalia were covered in pins, just as the WAM colleague had described to Dr. Parikh, as if it was a voodoo doll. There was a large tear at the top. Mr. Spuria asked about the tear, and Mr. Taviner said that the artist’s cat had caused the tear and that he and Mr. Waschek found it funny. Mr. Spuria responded with “So the pussy got the pussy?” Mr. Waschek, Mr. Taviner, and Mr. Spuria laughed. Ms. Boot smiled and giggled.

78. Dinner was served in the dining room. Mr. Waschek was seated directly across from Dr. Parikh and most of the conversation was directed to her. Mr. Waschek and Mr. Taviner asked very personal and offensive questions about Dr. Parikh’s upbringing, her parents’ background and economic situation, and the languages she knew. They asked her to speak in those languages. Dr. Parikh felt extremely uncomfortable, offended, and “othered.” She felt like she was on display for their entertainment.

79. Throughout the night, Mr. Taviner talked about playing the piano. To try to redirect the conversation away from her, Dr. Parikh asked Mr. Taviner if he ever participated in piano competitions. By this point in the evening, Mr. Taviner had drunk two bottles of white wine and was finishing up a bottle of red wine, all on his own. Mr. Taviner said: “Well, in order to answer that, I need to say something first.”

80. Mr. Waschek turned to Mr. Taviner, veins popping in his temples and neck, and pointed his finger at his husband and said, “Steve, DO NOT SAY IT.” Dr. Parikh and Mr. Spuria exchanged a quick, surprised glance. Mr. Taviner replied, “I am going to say it, it is my story and my truth.” Mr. Waschek continued, “STEVE DO NOT SAY ANYTHING. DO NOT SAY ANYTHING.” Mr. Taviner said, “I am going to say it, I am going to say it.”

81. Mr. Waschek then said “STEVE!” and Mr. Taviner looked directly at Dr. Parikh and said: “My mom fucked my piano teacher! SHE FUCKED MY PIANO TEACHER!” Mr. Waschek slammed his fists on the dining table and shouted, “STEVE! DO NOT DENIGRATE YOUR MOTHER, IF YOU HAVE ANY RESPECT!” Mr. Taviner interrupted and said, “That’s the thing, Matthias, I don’t!”

82. Mr. Taviner then stated to Dr. Parikh: “I didn’t even really know my mother when I was young, and then she just comes in and FUCKS my piano teacher.” Mr. Taviner then got up from the table, with his empty bottle of red wine and went into the kitchen. He went to the sink, filled the bottle halfway with water, swished the contents inside, and then returned to the table and swished the bottle again before he dumped the contents into his large glass goblet.

83. Finally, the dinner came to a close. Dr. Parikh hoped that the unwelcome and offensive behavior and comments would end. However, on the way out, Mr. Waschek and Mr.

Taviner pointed out a small, round painting of the Hindu god Krishna as a child on their kitchen wall to Dr. Parikh and said “See? We have something Indian!”

Dr. Parikh Informs a WAM Trustee About the Dinner

84. Afraid of retaliation if she were to report the incident to HR—and knowing that WAM had done nothing to prevent any future incidences of such behavior after the WAM colleague reported the incident at the holiday party she had attended at Mr. Waschek’s and Mr. Taviner’s house, Dr. Parikh was not sure what to do next about the incident.

85. On or around March 24, 2022, Dr. Parikh informed Ms. Zolezzi-Wyndham about what happened at the dinner. Ms. Zolezzi-Wyndham was horrified and encouraged Dr. Parikh to tell Ms. Losavio about it. Dr. Parikh was extremely concerned about doing so and stated that she was still trying to process what had happened. Additionally, Ms. Losavio directly reported to Mr. Waschek, further heightening Dr. Parikh’s fears of retaliation.

86. Ms. Zolezzi-Wyndham then told Dr. Parikh that she had been considering leaving the WAM Board of Trustees because of her own issues with Mr. Waschek and Ms. Whitner. Mr. Waschek had made some inappropriate remarks back in the fall of 2021 as Ms. Zolezzi-Wyndham was trying to coordinate a Los Dias de Los Muertos Celebration with WAM. Ms. Zolezzi-Wyndham told Dr. Parikh that, in a virtual meeting on Zoom with Mr. Waschek, Ms. Whitner, Ms. Zolezzi-Wyndham and several members of the Committee for Worcester’s Los Dias de Los Muertos celebrations (all of whom are Latino), Mr. Waschek and Ms. Whitner made comments that were culturally insensitive, if not outright offensive.

87. For example, on the *offrenda*, or altar that is constructed as part of the festivities, Ms. Zolezzi-Wyndham and the Committee brought up they wanted to use fresh flowers. Ms. Whitner said that they could not use fresh flowers, because the flowers “might have bugs in them

and we don't want an infestation." Mr. Waschek agreed. Ms. Zolezzi-Wyndham didn't understand why this suddenly was an issue, particularly since WAM hosted a "Flora in Winter" event in which floral designers create arrangements using fresh flowers in the galleries based on their interpretations of works of art.

88. Ms. Zolezzi-Wyndham said that the way in which Mr. Waschek and Ms. Whitner reacted to the request made her and the Committee and her feel as though they were "dirty" Latinos. Mr. Waschek also did not like that the Committee wanted the *offrenda* to be dedicated to the Mexican community of Worcester, which had the most deaths in the area due to COVID-19 as a result of the lack of resources, poverty, etc. and resisted such a dedication stating that "It cannot just be about the Mexicans."⁷

89. Ms. Zolezzi-Wyndham further informed Dr. Parikh that there was an instance in which Ms. Whitner was presenting to Mr. Waschek and the Board about the deaccessioning of artwork. Ms. Whitner had mentioned that the African collection had been deaccessioned because there was not an expert on the works among the curatorial staff. Ms. Whitner also mentioned that WAM also had two Monet paintings that were not of great caliber, but instead of deaccessioning them, they would keep them.

90. Ms. Zolezzi-Wyndham told Dr. Parikh that she questioned why WAM would deaccession the African objects despite there not being an expert among the curatorial staff and suggested that would be exactly the reason keep the works because the value was not yet known. Ms. Zolezzi-Wyndham further said to Ms. Whitner that she should have retained an expert to review

⁷ During a 2014 meeting regarding an acquisition of a work by Black artist Mickalene Thomas, Mr. Waschek made similar comments: "If we are going to do a black show, then we have to do a white show." Western cultural institutions, including WAM, are full of artworks and typically present exhibitions by white artists.

the African objects and that Ms. Whitner could have sold the Monets and hired someone with that money to then properly assess the collection.

91. According to Ms. Zolezzi-Wyndham, her question visibly took Ms. Whitner aback, who then fumbled a response that Ms. Zolezzi-Wyndham said “did not make any sense” and kept repeating that the African objects had needed to be deaccessioned for “lack of expertise.” Ms. Zolezzi-Wyndham responded with words to the effect of “But that is my point – why would you get rid of something when you don’t have the expertise to fully assess it?” About 30 minutes after the meeting, Mr. Waschek called “screaming” at Ms. Zolezzi-Wyndham, saying that she was mean and rude to Ms. Whitner and that she had made Ms. Whitner cry. Mr. Waschek told Ms. Zolezzi-Wyndham that she was prohibited from speaking to Ms. Whitner for the next 6 months so that Ms. Whitner could “heal and process.”

*Mr. Waschek Makes Offensive Remarks
During a Visit to the Museum By the Turkish Consul-General*

92. For the next several weeks and throughout April 2022, Dr. Parikh was home working remotely from Chicago. On or around May 4, 2022, after Dr. Parikh was back in Worcester, she emailed Ms. Losavio to set up a lunch meeting.

93. On or around May 10, 2022, Dr. Parikh and Mr. Waschek met with the Consul-General of Turkey in Boston, Ceylan Ozen Erisen, during a visit to the Museum. Dr. Parikh and Mr. Waschek took Ms. Ozen Erisen to the Prints, Drawings, and Photographs Study Room, where Dr. Parikh pulled out some works on paper from the Islamic world.

94. After the viewing, the group stayed to chat. Mr. Waschek asked Ms. Ozen Erisen “So, Turkey took a lot of Syrian refugees, correct? Like 8 million?” Ms. Ozen Erisen responded with “Around 6 million.” Mr. Waschek questioned Ms. Ozen Erisen: “Are you sure? I thought it

was around 8 million.” Ms. Ozen Erisen firmly stated “No, it was around 5, 6 million.” Mr. Waschek then responded: “Well, that is still a lot.”

95. Mr. Waschek then went on to comment that his native country, Germany, took in a lot of refugees, but not as much as Turkey; that he did not know what would happen now with what was going on in the Ukraine; and, that he thought taking in refugees was fine, as long as the host country’s democracy and heritage were preserved. He continued: “I am not saying that all refugees that come to Germany eat sausages, I mean, they should, sausages are delicious, but they should uphold historic heritage. For example, in a town near where my brother lives in Bavaria, there is this woman that owns bed and breakfast. She wears the traditional dirndl of Bavaria, and she even speaks Bavarian perfectly...” Mr. Waschek then leaned in and stated: “BUT SHE IS BLACK!”.

96. At that point, Ms. Ozen Erisen changed the topic and said: “On the subject of historic heritage, I want to talk about the Antioch mosaics [at WAM] and their return to Turkey.” Mr. Waschek paused. A discussion then ensued about the provenance of the Turkish objects and their validity of staying at WAM.

97. Later in the conversation, Mr. Waschek referred to both Ms. Ozen Erisen and Dr. Parikh as “Orientals.” Mr. Waschek also mentioned that Dr. Parikh’s position was in the process of being endowed and that it would hold an “ ‘Oriental’ name-- The Sohail Masood and Family Associate Curator of the Arts of Asia and the Islamic World.” Mr. Waschek’s conduct during Ms. Ozen Erisen’s visit was, once again, unwelcome and offensive to Dr. Parikh.

*Dr. Parikh Reports the Unwelcome and Offensive Behavior to Ms. Losavio
and WAM Hires an Outside Investigator*

98. On or around May 17, 2022, at Dr. Parikh and Ms. Losavio met at Dr. Parikh’s request. Dr. Parikh asked Ms. Losavio how to navigate a very difficult, disturbing, and distressing situation with a member of WAM leadership and how to decline WAM dinner party invitations

without ruining working dynamics or Dr. Parikh's place within the Museum. Dr. Parikh stated that she felt her work environment was hostile because of the situation. Ms. Losavio asked Dr. Parikh to clarify specifically who she was referring to. Dr. Parikh said it was Mr. Waschek. Dr. Parikh explained what happened at the WAM dinner, including that she had been warned about what could happen at the dinner party by another member of staff. Ms. Losavio was mortified.

99. Dr. Parikh said that since coming back to Worcester, Mr. Waschek had asked her to dinner at his place a few times for WAM gatherings and that she had tried to avoid them. Ms. Losavio said that with this information, she had to report it and bring it up to the Board. Ms. Losavio said she was really disturbed by the events Dr. Parikh had recounted. Dr. Parikh told Ms. Losavio that she was afraid of what might happen to her and her future at WAM once Ms. Losavio reported it. Ms. Losavio acknowledged Dr. Parikh's concerns and said that she would need to think about next steps and how best to address the situation and that it absolutely needed to be reported.

100. On or around May 19, 2022, Ms. Losavio met with Dr. Parikh and told her that a sub-committee had been formed, consisting of herself as well as three members of the Board of Trustees: James ("Jim") C. Donnelly Jr., Douglas Brown, and Cynthia Strauss. Ms. Losavio told Dr. Parikh that the next steps were to bring on an outside investigator to look into Dr. Parikh's complaints of racism and unwelcome and offensive behavior during the November 2021 brunch and the March 2022 dinner. Ms. Losavio further told Dr. Parikh that the investigation should be kept confidential, and that if Dr. Parikh experienced anything that she believed was a form of retaliation, to alert her immediately.

101. On or around May 23, 2022, Ms. Losavio and Dr. Parikh met via Zoom. Ms. Losavio advised Dr. Parikh that an investigator, Laurie Margolis ("Ms. Margolis"), had been chosen to conduct the investigation. Ms. Losavio stated that Dr. Parikh and Mr. Waschek would be

interviewed and identified some of the other interviewees. The other interviewees included but were not limited to the following: Mr. Taviner, Mr. Spuria, Ms. Boot, Ms. Spaulding, Ms. Whitner, Nancy Burns (WAM employee), Lauren Szumita (former WAM employee), Mr. Donnelly (the sub-committee member and Trustee), and Seth Wiseman (an individual who had done the architectural design for residential kitchen, master bedroom and bath renovations at Mr. Waschek's and Mr. Taviner's home several years earlier and who was currently working on redesigning the main entrance at WAM).

102. On or around May 27, 2022, Ms. Margolis conducted a virtual meeting with Dr. Parikh in connection with the investigation.

103. On or around June 10, 2022, Ms. Losavio met with Dr. Parikh over Zoom and advised that the investigation was ongoing.

104. Several days later, on or around June 16, 2022, Ms. Losavio told Dr. Parikh that Ms. Margolis wanted to meet with Dr. Parikh to ask additional questions and to clarify details. During this meeting, Dr. Parikh informed Ms. Losavio that she had heard of a sex and age discrimination and retaliation lawsuit filed in 2015 against Mr. Waschek, WAM, and the Executive Committee by a former female employee and that Mr. Waschek had separated from the Pulitzer after a number of female staff members came forward with sex and age discrimination and retaliation claims against him. Dr. Parikh pointed out that Mr. Waschek seemed to have a pattern of engaging in discriminatory and retaliatory behavior of which WAM knew about and yet failed to stop it.

105. On or around June 27, 2022, Dr. Parikh had another virtual meeting with Ms. Margolis to provide more details and to go over questions again.

106. On or around July 1, 2022, Birgit Straehle ("Ms. Straehle"), WAM's former Paintings Conservator, met with Ms. Losavio to discuss her own disgust with Mr. Waschek's

behavior and the institution and stated that Mr. Waschek's conduct was one of the major reasons she had given notice of her resignation (effective as of August 31, 2022) back in May. Ms. Strahle also gave Ms. Losavio a black binder containing approximately 150 pages of photocopies from papers docketed in the 2015 lawsuit to further alert her to the pattern of discriminatory and retaliatory behavior by Mr. Waschek.

The WAM Board Disregards The Outside Investigator's Findings

107. On or around July 3, 2022, Ms. Losavio emailed Dr. Parikh that the investigation was complete and attached a copy of Ms. Margolis' investigative report. She further advised that Dr. Parikh would have until July 5, 2022 to provide an addendum to the report and that the Executive Committee would be meeting on July 8, 2022 to discuss the report and how to proceed. Ms. Losavio also stressed the confidentiality of the investigation and the report while the Executive Committee determined how to proceed.

108. On July 4, 2022, Dr. Parikh received a text message from a WAM colleague, stating that she heard that Dr. Parikh was filing a lawsuit against Mr. Waschek from her husband, a Professor of Music at College of the Holy Cross, and that her husband had heard it from a colleague at Holy Cross who heard it from someone who was a close friend of Mr. Waschek. Later, Dr. Parikh learned that the close friend was Kristin B. Waters, a WAM corporator who has dinner with Mr. Waschek and Mr. Taviner's home at least twice a month.

109. Dr. Parikh immediately sent Ms. Losavio a screen shot of the text message and confirmed if the investigation was supposed to be kept confidential. Ms. Losavio said that it was. Dr. Parikh also conveyed, in an email to both Ms. Losavio and Ms. Margolis, how upsetting it was

that Mr. Waschek had publicly identified her as the plaintiff in an investigation that was supposed to be confidential and was going around disparaging her and stating that she was “suing” him.

110. Dr. Parikh also alerted Ms. Margolis, the outside investigator, to the 2015 lawsuit against the Museum and the complaints about Ms. Waschek at the Pulitzer Foundation. Ms. Margolis stated the report had already been completed and thus such information could not be addressed in it. A true and accurate copy of the investigation report is attached hereto at Exhibit C.

111. On or around July 5, 2022, Ms. Losavio informed Dr. Parikh that the deadline for submitting an addendum had been extended to July 6, 2022. On July 6, 2022, Dr. Parikh submitted her addendum. A true and accurate copy of the Addendum that Dr. Parikh submitted is attached hereto at Exhibit D.

112. On or around July 13, 2022, the WAM Board met at 8:00 a.m. to discuss the report. Ms. Losavio reached out to Dr. Parikh to set up a call to discuss the outcome of the Board meeting and its review of the report. Ms. Losavio suggested that another person should be on the call as “support” and suggested either Mr. Donnelly, whom Ms. Losavio said had offered to serve in that role, or Joann Colon-Rivera, an HR specialist at WAM.

113. Later that day, Dr. Parikh ended up having a call with Mr. Donnelly and Ms. Losavio. They told Dr. Parikh that the Board had decided not to take any action at that time and that certain “protocols” would be put in place to ensure that this would not happen again.

114. Dr. Parikh said that protocols were already in place as the Employee Handbook had policies governing how employees would be held accountable if, as Ms. Margolis had found in her report, discriminatory or retaliatory behavior occurred. There were no exceptions to the rules for the WAM Director. Dr. Parikh further stated that Ms. Margolis had concluded in her report that Mr. Waschek had violated numerous WAM policies including the Diversity and Inclusion Policy, the

Anti-Harassment and Complaint Policy, and Employee Conduct and Work Rules Policy, all in the Employee Handbook (policies which had been acknowledged by Mr. Waschek), in addition to the Code of Ethics of the Worcester Art Museum and the WAM Strategic Plan 2022-2027, *Foundation for the Future* (voted on by the Board on October 10, 2021) and that those violations created a hostile and offensive work environment for Dr. Parikh in possible violation of state and federal law.

115. Dr. Parikh also said that she felt that by publicly “outing” her as the plaintiff in an investigation and disparaging her and stating that she was “suing” him, Mr. Waschek also had retaliated against her in violation WAM policy. The Employee Handbook states that “The Worcester Art Museum prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.”

116. Mr. Donnelly and Ms. Losavio responded that they “understood” Dr. Parikh’s “frustrations” and were there to “support” her. Dr. Parikh asked what the purpose of the policies were if they were not enforced and asked what, if any, protocols supposedly were going to be implemented going forward to prevent Mr. Waschek’s unwelcome and offensive behavior from happening yet again. Mr. Donnelly and Ms. Losavio said they could not explain what the protocols were because they were “confidential.” As the connection for the call was poor (Dr. Parikh was overseas on vacation when the conversation took place), Dr. Parikh suggested another meeting with Ms. Losavio to go over everything again.

117. The following day, on or around July 14, 2022, Ms. Zolezzi-Wyndham contacted Dr. Parikh and asked her to let her know when she was back from her travels so that they could speak.

118. On or around July 22, 2002, Dr. Parikh met with Ms. Losavio again to discuss the Board’s decision. Ms. Losavio reiterated what had been said during the July 13th call. This time,

however, Ms. Losavio profusely apologized for the outcome. She claimed that she even brought up the 2015 suit with the Sub-Committee and Board, and that she had looked through the 2015 suit binder and as did the members of the Sub-Committee. Dr. Parikh said she feared this was going to happen—that nothing would change, the unwelcome and offensive behavior would continue, the working environment would remain hostile, and that she would experience retaliation for reporting Mr. Waschek’s discriminatory behavior.

119. The Board had endorsed and approved the discriminatory and retaliatory behavior in complete disregard of Dr. Parikh’s rights by failing to take her seriously and refusing to hold Mr. Waschek accountable even though the outside investigator had concluded that Mr. Waschek’s behavior was completely unacceptable. Dr. Parikh told Ms. Losavio that WAM was really giving her no choice; how could she work with Mr. Waschek going forward? WAM had claimed that “protocols” would be put in place, but would not tell her what they were let alone what, if anything, they were doing to enforce those *already* in place. Ms. Losavio stated that she would understand if Dr. Parikh wanted to leave and asked Dr. Parikh whether Dr. Parikh would do so before or after her *Arms and Armor of Royal India* exhibition, which was scheduled to open on March 25, 2023.

120. Dr. Parikh told Ms. Losavio that she would need to figure out her next steps. She also expressed concern about coming back to physically work from her office at the Museum in September 2022. Since May 2022, Dr. Parikh had been working full-time remotely from Chicago because of the condition of her office (roof leak, with mold growth as a result), which was not going to be taken care of until late September/early October. Dr. Parikh noted that Mr. Waschek was invited to the majority of the meetings she attended (both remotely and in person) and when physically at the Museum she could not even access her office, the bathroom, entrance/exit, staff lounge, or other

areas of the Museum without passing his office. Ms. Losavio then joked that she would be Dr. Parikh's "bodyguard."

121. Ms. Losavio then asked if Dr. Parikh if it would help for her to speak to the members of the Sub-Committee and Board to let them know the impact of their decision. At first, Dr. Parikh said "yes." Upon reflection, Dr. Parikh quickly followed up via email after the meeting to say that she did not want to speak to them and specifically listed the reasons why that was the case. Ms. Losavio asked Dr. Parikh if she would share the email with the Board. Dr. Parikh said "yes."⁸

122. On or around July 22, 2022, Dr. Parikh had a meeting over Zoom with Ms. Zolezzi-Wyndham. Ms. Zolezzi-Wyndham stated that the Board had told her to reach out to Dr. Parikh to talk to her about how they "support" her. Dr. Parikh said that if they supported her, they would have done something about the situation. Ms. Zolezzi-Wyndham told Dr. Parikh that the Board, with the exception of her, was pretty unanimous on not taking any action against Dr. Waschek because "nobody could corroborate your story." This comment was in reference to Ms. Boot and Mr. Spuria conveniently failing to recall certain events during the March 2022 dinner. The Board disregarded statements from at least two WAM current and former WAM employees to the outside investigator regarding their first-hand experiences at the holiday party that corroborated the existence of the pillow and the fact that Mr. Taviner had shown the investigator the pillow himself. Ms. Zolezzi-Wyndham also proceeded to tell Dr. Parikh not to get a lawyer, "since nobody could corroborate your story."

Mr. Waschek Continues to Make Unwelcome and Offensive Comments

⁸ According to the WAM Employee Handbook, "If a party to a complaint does not agree with its resolution, that party may appeal to the Jean and Myles McDonough Director [Mr. Waschek] or the President of the Board of Trustee [Dorothy Chen-Courtin]." This meant that, if Dr. Parikh wanted to "appeal" the decision, she would have had to "appeal" it to the very person who was under investigation, Mr. Waschek, and/or the President of the Board, Ms. Chen-Courtin, who led the group that had decided not to do anything about the situation. This would have been a futile and ineffectual endeavor that would have compounded the duress.

123. On or around August 1, 2022, WAM notified staff that they would need to complete anti-discrimination, harassment, and retaliation training by watching a series of on-line videos offered by the payroll vendor, Paylocity. This was the first time during Dr. Parikh's employment at the Museum that any anti-discrimination, harassment or retaliation had ever been offered.

124. A week later, on or around August 8, 2022, Mr. Waschek attended an acquisitions meeting that was held over Zoom. Dr. Parikh was in attendance as well as Ms. Whitner, the curatorial staff, and several other staff members. Nancy Burns, Associate Curator of Prints, Drawings, and Photographs at WAM, was presenting on a number of acquisitions, including a photograph by a photographer who documents genocide. The black and white photograph depicted a cow in the back of a cart, horns tied so that her head is tipped back, eyes full of fear. The cart was outside the entrance to the Nazi death camp, Auschwitz.

125. Ms. Burns commented on the dual symbolisms of slaughter. Mr. Waschek interjected to ask why the print was titled "Oświęcim," which is the Polish word for "Auschwitz". Ms. Burns looked a bit perplexed and said, "That is what the artist has chosen as the title." Mr. Waschek responded by saying, "Well, my dear, fellow countrymen were the ones that built Auschwitz, it should be in German."

Dr. Parikh Resigns Due to the Intolerable Work Environment

126. On or around September 2, 2022, Dr. Parikh notified Ms. Whitner and Ms. Losavio that she was resigning effective Friday, September 16, 2022 because of the intolerable work environment. Specifically, she stated:

I am resigning due to the discriminatory and retaliatory treatment I have endured while an employee at WAM, specifically, Matthias's racist and offensive behavior; the Board's sanctioning of that behavior, notwithstanding the investigator's condemnation of Matthias's conduct and conclusion that it violates WAM's own policies and applicable laws; and the resulting hostile and

psychologically unsafe work environment. I have been left with no choice but to leave WAM due to the detrimental impact all of this is having on my emotional, mental, and physical health, as well as my well-being.

127. On or around September 8, 2022, Dr. Parikh received an email from Darcy Griffith, Operations Administrative Assistant/Executive Assistant to Ms. Losavio in response to an email Dr. Parikh had sent her notifying her that she was leaving WAM. Ms. Griffith stated: “I really thought, for a few minutes there, that maybe the right thing would be done, for once.”

128. On or around September 10, 2022, Ms. Zolezzi-Wyndham sent Dr. Parikh a text stating that she had left WAM’s Board and sent a “strongly worded letter” regarding her resignation.

129. On or around September 12, 2022, Ms. Losavio sent an email to all staff about the matter entitled “Important Update,” effectively eviscerating any “confidentiality” that remained. She stated that “a staff member reported incidents that they believe violated our anti-harassment policy,” and that while it normally might be a “confidential personnel matter” and WAM had not “plan[ned to] comment on the complaint.... however, we recently became aware that information about this investigation is circulating among some staff.”

130. Ms. Losavio then went on discuss the complaint and investigation but from a biased and misleading point of view. Ms. Losavio’s email stated that WAM acted in its “best interests” and “is committed to providing a workplace where everyone is treated with dignity and respect.” It also painted Dr. Parikh as someone whose claims were not real: “a staff member reported incidents that they believe violated our anti-harassment policy,” and that “we understand that this is not the outcome the employee who filed the complaint, and perhaps some others wanted.” (emphasis added). Dr. Parikh did not simply “believe” that the anti-harassment policy was violated; the outside investigator had determined that it was violated. See Exhibit C.

131. On or around September 14, 2022, Dr. Parikh had a virtual meeting on Zoom with Aileen Novick, Manager of Public and Education Programs about programming affiliated with Dr. Parikh's exhibitions. Ms. Novick asked Dr. Parikh whether Ms. Losavio's email had anything to do with Dr. Parikh's departure. Dr. Parikh said "Yes". Ms. Novick asked if it was Ms. Whitner that Dr. Parikh had reported. Dr. Parikh said "No, it was Matthias."

132. Ms. Novick said "Oh my god, of course! He is just the worst. Says the most offensive things, it's amazing the Board keeps him on. Did you know there was a suit against him and the Museum in 2015? He says the most inappropriate and racist things. He should not be in charge of a museum." Ms. Novick, who is Jewish, continued: "He makes comments about Jews all the time. I was in a meeting with him once and he said that 'Jews make me uncomfortable.' Can you believe that? And he just gets away with this!"

133. As a result of Defendants' illegal actions, Dr. Parikh has suffered and will continue to suffer damages to her professional life and future career opportunities, monetary loss, emotional distress, and non-pecuniary damages.

COUNT I
MASSACHUSETTS SEX AND GENDER
DISCRIMINATION CLAIMS
(G.L. c. 151B, §4(1))

134. Dr. Parikh repleads, realleges and incorporates by reference every allegation in paragraphs 1 through 132 with the same force and effect as if fully set forth herein.

135. Dr. Parikh is a person entitled to protection under Massachusetts' anti-discrimination statute, G.L. c. 151B.

136. WAM is an employer who has a legal obligation, pursuant to G.L. c. 151B, to maintain a workplace free of unlawful discrimination based on sex and gender.

137. Despite the law, Defendants subjected Dr. Parikh to different terms and conditions of employment because of her sex and gender.

138. Defendants' illegal discriminatory and disparate treatment of Dr. Parikh includes but is not limited to the following: creating a hostile work environment during her employment and failing to properly investigate and correct the unlawful conduct.

139. Dr. Parikh believes she was treated differently from other employees because of her sex and gender.

140. As the proximate result of Defendants' discriminatory and illegal conduct, Dr. Parikh has been harmed. Her damages include, but are not limited to, mental anguish, emotional harm and humiliation, and economic losses.

141. By engaging in such conduct, Defendants violated G.L. c. 151B.

142. Pursuant to G.L. c. 151B, Dr. Parikh is entitled to be made whole and fully compensated for all damages and injuries suffered, including back pay, front pay, compensatory and punitive damages in an amount to be determined at trial.

143. It has been necessary for Dr. Parikh to retain the services of an attorney and, pursuant to G.L. c. 151B, she is entitled to recover reasonable costs and attorneys' fees.

COUNT II
MASSACHUSETTS RACE, COLOR, AND NATIONAL ORIGIN/ANCESTRY
DISCRIMINATION CLAIMS
(G.L. c. 151B, §4(1))

144. Dr. Parikh repleads, realleges and incorporates by reference every allegation in paragraphs 1 through 142 with the same force and effect as if fully set forth herein.

145. Dr. Parikh is a person entitled to protection under Massachusetts' anti-discrimination statute, G.L. c. 151B.

146. WAM is an employer who has a legal obligation, pursuant to G.L. c. 151B, to maintain a workplace free of unlawful discrimination based on race and color.

147. Despite the law, Defendants subjected Dr. Parikh to different terms and conditions of employment because of her race, color, and national origin/ancestry claims.

148. Defendants' illegal discriminatory and disparate treatment of Dr. Parikh includes but is not limited to the following: creating a hostile work environment during her employment and failing to properly investigate and correct the unlawful conduct.

149. Dr. Parikh believes she was treated differently from other employees because of her race, color, and national origin/ancestry.

150. As the proximate result of Defendants' discriminatory and illegal conduct, Dr. Parikh has been harmed. Her damages include, but are not limited to, mental anguish, emotional harm and humiliation, and economic losses.

151. By engaging in such conduct, Defendants violated G.L. c. 151B.

152. Pursuant to G.L. c. 151B, Dr. Parikh is entitled to be made whole and fully compensated for all damages and injuries suffered, including back pay, front pay, compensatory and punitive damages in an amount to be determined at trial.

153. It has been necessary for Dr. Parikh to retain the services of an attorney and, pursuant to G.L. c. 151B, she is entitled to recover reasonable costs and attorneys' fees.

COUNT III
MASSACHUSETTS RETALIATION CLAIMS
(G.L. c. 151B, §4(4))

154. Dr. Parikh repleads, realleges and incorporates by reference every allegation in paragraphs 1 through 152 with the same force and effect as if fully set forth herein.

155. WAM has a legal obligation, pursuant to G.L. c. 151B to maintain a workplace free of unlawful discrimination, including the prevention of retaliation toward persons such as Dr. Parikh. WAM failed to fulfill this legal obligation.

156. In violation of G.L. c. 151B, Defendants retaliated against Dr. Parikh because she opposed what she reasonably believed in good-faith were Defendants' illegal employment practices. Her opposition (complaints and protestations) constitute protected activity.

157. Pursuant to G.L. c. 151B, Dr. Parikh is entitled to be made whole and fully compensated for all damages and injuries suffered, including back pay, front pay, compensatory and punitive damages in an amount to be determined at trial.

158. It has been necessary for Dr. Parikh to retain the services of an attorney and, pursuant to G.L. c. 151B, she is entitled to recover reasonable costs and attorneys' fees.

COUNT IV
MASSACHUSETTS AIDING AND ABETTING CLAIMS
(G.L. c. 151B, §4 (4A)-(5))

159. Dr. Parikh repleads, realleges and incorporates by reference every allegation in paragraphs 1 through 157 with the same force and effect as if fully set forth herein.

160. Defendants Waschek and Whitner aided and abetted WAM's unlawful conduct against Dr. Parikh by subjecting her to harassment based on sex, gender, race, color and/or national origin/ancestry as well as by acting in concert with WAM to perpetrate a hostile work environment permeated with unlawful sex, gender, race, color and/or national original ancestry discrimination, and by retaliating against her.

161. The actions of Defendants Waschek and Whitner constitute aiding and abetting in violation of G.L. c. 151B, §4 (4A)-(5).

162. Dr. Parikh has been harmed by this unlawful aiding and abetting and she is entitled to be fully compensated therefor.

163. It has been necessary for Dr. Parikh to retain the services of an attorney and she should be compensated therefor.

PRAYER FOR RELIEF

WHEREFORE, Dr. Parikh respectfully demands relief as follows:

- A. Adjudge the Defendants liable for the violations of law set forth in Count I.
- B. Adjudge the Defendants liable for the violations of law set forth in Count II.
- C. Adjudge the Defendants liable for the violations of law set forth in Count III.
- D. Adjudge the Defendants liable for the violations of law set forth in Count IV.
- E. Award Dr. Parikh back pay, front pay, and compensatory damages according to law.
- F. Award Dr. Parikh punitive, multiplied damages, and/or liquidated damages as provided by law.
- G. Award Dr. Parikh interest according to law.
- H. Award Dr. Parikh her costs and reasonable attorney's fees, as provided by law.
- I. Grant Dr. Parikh such additional relief, including equitable and/or injunctive relief, as the court deems reasonable and proper.

JURY DEMAND

Dr. Parikh demands a jury trial on all her claims.

Respectfully submitted,
RACHEL PARIKH
By Her Attorney,

Lana Sullivan

Lana Sullivan, BBO No. 649364
Law Office of Lana Sullivan
75 Second Avenue, Suite 605
Needham, MA 02494
Phone: (617) 454-1015
Email: iana@lanasullivanlaw.com

Dated: July 18, 2023

Exhibit A

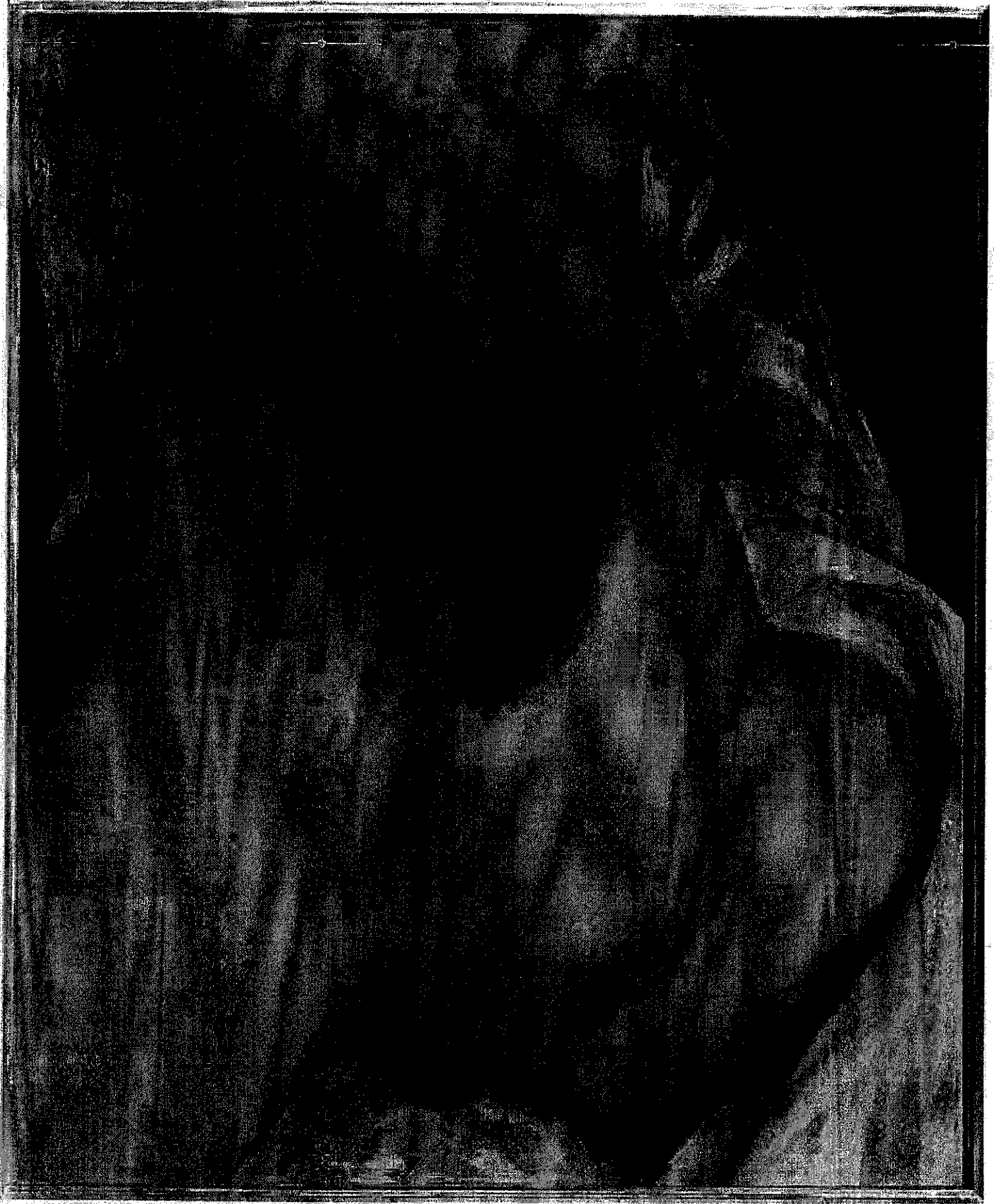


Exhibit B

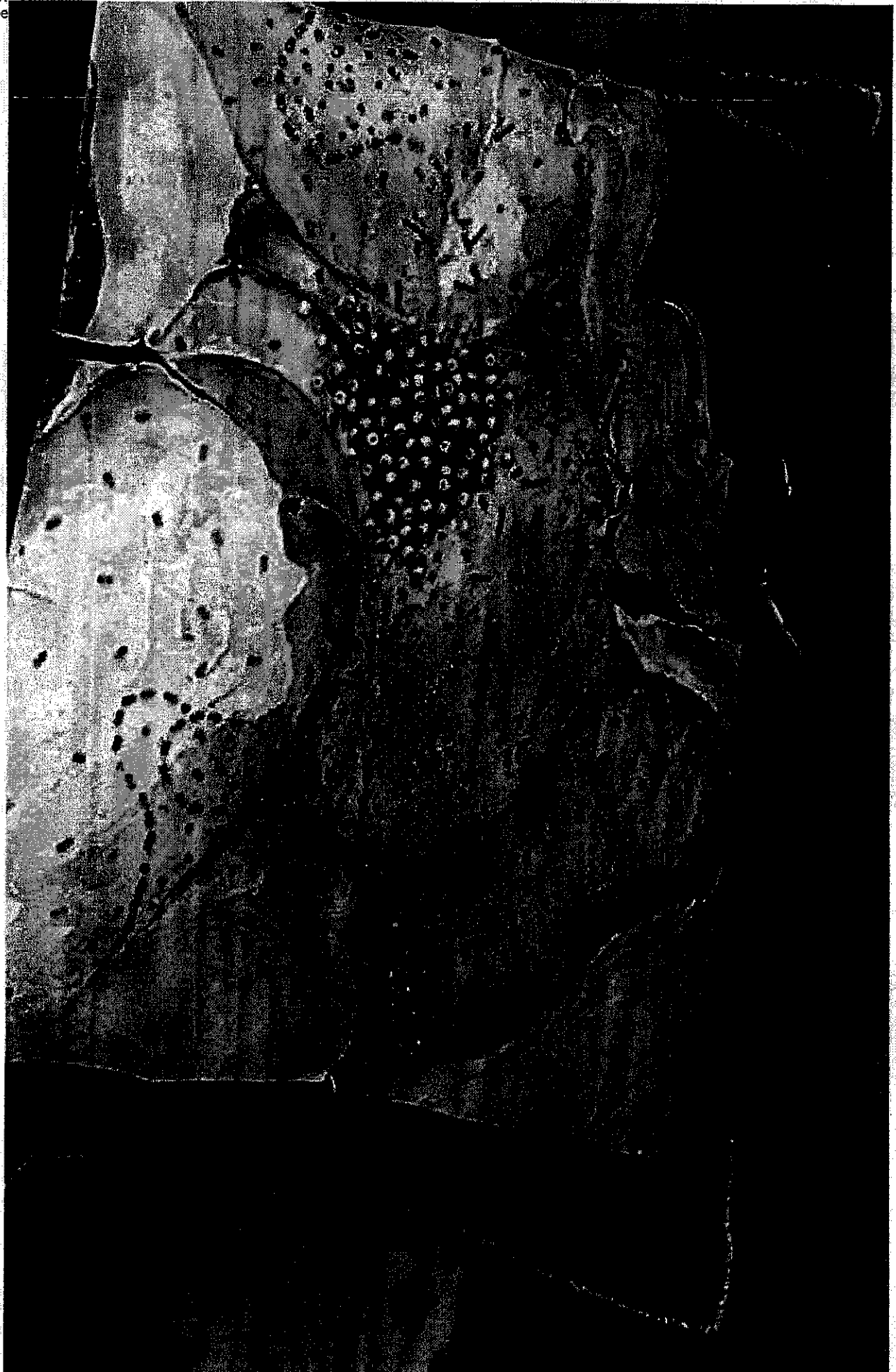


Exhibit C



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Worcester Art Museum

Report on Investigation May-June, 2022 (7/3/2022)

Process:

I was engaged to investigate concerns raised by a member of the Museum's staff about behaviors that occurred at work related or workplaces situations. The staff member spoke to Bonnie Losavio, Chief Operating Office about two particular incidents during which she claimed she was uncomfortable and experienced humiliating and inappropriate behavior. It was reported that she had discussed these experiences earlier with colleagues but had not been ready for action to be taken at that time.

The staff member who brought the complaint was Rachel Parikh, an Indian woman who joined the Museum in March, 2020 as Assistant Curator of Arts of Asia and the Islamic World. She has since been promoted to Associate Curator. Her complaint involved Matthias Waschek, Director.

Director Waschek has been in this position since November, 2011. He is married and lives in a private home with his husband Steve Taviner.

The two events about which the complainant raised concerns were: a brunch in November of 2021 at a local restaurant and a dinner at the home of the Director on March, 2022.

As is a common investigation practice, a list of names of 13 individuals thought to have relevant information about these situations was generated by Bonnie Losavio, COO. Some were current or former staff, others external consultants who work with the Museum. All were agreeable to meet with me via Zoom. Two individuals had two meetings with me, one because technology was a problem during our scheduled meeting shortening the initial time planned; another had a second meeting to clarify and confirm what had been stated in the first interview. One person interviewed brought their counsel to the meeting with agreement from me.

- In addition to the interviews, and periodic meetings with the Bonnie Losavio, COO, I reviewed relevant Museum documents. I asked for and received the following:



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- **Code of Ethics of the Worcester Art Museum**
- **WAM Strategic Plan 2022-2027 Foundation for the Future** (Voted by the Board on 10/20/21)
- **Diversity and Inclusion Policy**, Employee Handbook, p. 5
- **Anti-Harassment Policy and Complaint Procedure**, Employee Handbook, p.6
- **Workplace Anti-Bullying Policy**, Employee Handbook, Pg. 24
- **Employee Conduct and Work Rules Policy**, Employee Handbook p. 34
(Handbook policies acknowledged by Director Waschek)

Background:

Rachel Parikh, Associate Curator of Arts of Asia and the Islamic World, raised concerns primarily focused on two events: a brunch in November, 2021 at a Worcester restaurant and a dinner in March, 2022 at the home of Matthias Waschek, the Jean and Myles McDonough Director of the Museum.

Both Director Matthias and Steve Taviner were interviewed about the brunch and the dinner.

Content from two events primarily reported by Ms. Parikh with some comments from Director Waschek, Steve Taviner, Mark Spuria, CFO, and Phyllis Boot, Executive Assistant.

1. Brunch at Deadhorse Hill - November, 2021

From my interviews I learned that an invitation was made to Ms. Parikh for brunch as she was new to the Museum, and Director Waschek wanted to welcome her. His husband Steve Taviner also attended. During the brunch, Ms. Parikh reported a discussion of a '90s British Sitcom, *Goodness, Gracious Me* that featured an Indian family. She reported that an Indian accent was mimicked first by Director Waschek and then his husband. She stated this went back and forth with the accent as both re-enacted scenes, showing how a member of the family could not pronounce a British name, and one about going to eat bland British food. Ms. Parikh also reported imitations of stereotypical Indian head and neck movement.

After the brunch, Rachel declined a ride home and stated she preferred to walk and stop at a local grocery store. Both Steve and Matthias joined her as they needed some groceries too. At the store, Steve did another imitation of an Indian mother and her Indian accent from the



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Sitcom stating that she could make anything ('give me an aubergine I'll make anything'), and therefore there was no need for restaurants.

Ms. Parikh reported the experience as extremely uncomfortable and that she had not experienced this kind of bullying since she was little, having grown up in a white, Chicago neighborhood – 30 years ago, when she faced misogyny and racism. She claimed that what she experienced during the brunch was ' #1' worst racism. She reported that she needed to stay in the market alone to stabilize herself once Steve and Matthias left the store.

2. Dinner: *At the home of Matthias Waschek and Steve Taviner* - March, 2022

The dinner guests were Rachel Parikh, CFO Mark Spuria and Executive Assistant Phyllis Boot. Given Rachel's experience at the brunch, she reported reluctance to attend another event with Matthias and Steve. She was assured by another member of the staff that Mark and Phyllis were wonderful, would be good dinner companions and she should attend. This member also suggested she be prepared for some unexpected situations, one of which did occur that evening: the sharing of a pillow, a copy of Gustave Courbet's *The Origin of the World*.

During conversations about art and being asked what the Museum would be honored to attain, Matthias said European art and brought up some pictures on his phone. Gustave Courbet came up, and the conversation moved to the fact that Matthias and Steve owned a pillow illustrating Courbet's *The Origin of the World*, a nude torso of a woman lying on her back with her genital area fully exposed.

Steve brought the pillow to the dinner. It was made by an artist (friend?) a painted watercolor on paper which was sewn onto a pillow. During my interview with Steve Taviner I was offered and accepted the opportunity to see the pillow (on Zoom). The genital area of the copy is covered with pins/beads (reported as pins), and there are beads spaced around the rest of the figure on the pillow. The pins/beads were said to have been added to the pillow by Steve. (Zoom did not afford me the clarity to decide if this was pins or beads). In the upper corner there is a tear in the paper painting where a cat is painted. According to those who confirmed the art, the artist's cat made the tear.

Rachel reported being shocked by the pillow. No one at the dinner said anything. No other art was brought to the table. No one said anything to Rachel after the dinner.



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Rachel reported that during the evening Steve was asking how she grew up and about her parents' economic situation. She referred to it as grilling and found it very uncomfortable.

Steve is reputed to be an excellent cook and prepared dinner that evening, a vegetarian, Indian meal. It was reported that Steve shared a horrible experience he had at an Indian market where he was questioned by the store clerk as to whether he knew how to use the ingredients he was buying. He was quoted as saying he was insulted as he 'knew what he was doing, and is more Indian than other Indians'. Rachel felt the store clerk was trying to help Steve, but he felt it was racist. ** (** see the bottom of p. 13 **)

During dinner the conversation turned to languages and how many each spoke. Steve and Matthias are fluent in quite a few. Rachel felt grilled about the number of Indian languages and dialects she speaks. Again she was uncomfortable.

Rachel saw a piano and asked Steve if he played. Steve said that he stopped taking lessons during his childhood. He wanted to tell a story of why he stopped, and Matthias asked him several times not to. However Steve wanted to share it and did. It has been reported that Steve said several times "My mother f---ed my piano teacher". Steve acknowledges the situation but does not recall what words he used. No one said anything and then Matthias told Steve 'he should not denigrate his mother'. Everyone else moved on to other conversations. Rachel stated she was shocked and very uncomfortable, finding both the language and content upsetting and inappropriate.

There was good conversation about art in the home, some of which Rachel and Phyllis coveted in good humor. In addition Steve was bidding online on a carpet during the evening. Matthias had not known about it, which is not their usual routine. Steve won the carpet buying it and another small one. It was reported that Matthias was uncomfortable about how much money was spent on this.

There was a good deal of wine consumed that evening. It was reported that Steve drank to excess. He confirmed that he drank several glasses of wine but does not keep count. Everyone drank except Rachel.

Rachel reported that she has experienced great stress from these experiences. Living through the above situations has created uncomfortable working conditions, and taken a mental and



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physical toll on her. She also reported that her appearance was judged.

Rachel reports to the Director of Curatorial Affairs, Claire Whitner. It was reported to Rachel that after her interview for her role at the Museum, Claire commented that 'Rachel did not look like a curator.' It was also reported that after Rachel made an important presentation, Matthias stated that Rachel 'was wearing a black sweatshirt' and sent a message to her via Claire that she didn't look professional. In fact, Rachel was wearing a black, silk blouse. Rachel stated that Claire asked her to 'zhuzh up.' Other curators did not receive comments on their appearance.

Most of the information relayed about these two events was from Ms. Parikh. Other than specifics attributed to Steve Taviner or Matthias Waschek, little to nothing was confirmed by the others at the dinner, or by Matthias and Steve at the brunch. A few of the comments below came from comments that were made by Steve, Matthias and the other attendees at the dinner.

Some alternative comments referring to the brunch and dinner were:

- 'I can't imagine ----- saying inappropriate things'
- 'I don't remember'
- 'If anything occurred, someone would have mentioned it' and 'I would have apologized'
- 'No, I don't recall mimicking an Indian accent. I don't think that would have been appropriate.'
- 'No recollection.'
- 'I get that it could have made Rachel uncomfortable, that her feelings are real.'
- '----- would never do that'
- 'I saw no discomfort, or anyone ill at ease.'
- 'Could have been a blind spot'
- 'If noted it would have been important to address.'
- 'It was an enjoyable evening'
- 'Never said the evening was enjoyable.'
- Reaction to pillow interesting - 'intrigued by it. Fine handiwork.'
- 'Ladies (at the market) are often intrigued. They want to know what I am going to cook with the ingredients.'
- 'Pleasant conversation at the market'.



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I asked to review Museum documents I felt were relevant to the culture and environment desired by the Museum. I have excerpted parts of those documents identifying responsibilities and protections relevant to this investigation.

- Excerpts from the **Code of Ethics of the Worcester Art Museum (revised by the Board November 17, 2016)**

Reporting of Violations

'All persons subject to this Code (its Board, Staff, unpaid volunteers, including Corporators) are requested to come forward with information regarding an actual or possible violation of this Code and cooperate fully in the investigation of possible violations of this Code.'

III - Museum Staff

'Museum Staff are bound by the rules of the employee handbook and by applicable Massachusetts and federal laws including a duty of loyalty to the Museum. They should conduct themselves with the highest standards of decorum, objectivity, and professional integrity in every circumstance that relates to the operations of the Museum or may influence the endeavors of reputation of the Museum. In addition, executive and professional employees should observe the standards that typically apply to persons with similar positions in similar institutions including standards of the AAMD.'

Acknowledgement & Affirmation Worcester Art Museum Code of Ethics

'I have read the Museum's Code of Ethics (please check applicable sections):

- as member of the Governing Body (Corporator, Trustee, Officer, Member of a Board Committee), and I have also read the bylaws;
- as a member of the Staff, and I have also read the Employee's Handbook and other Museum material, as listed: Computer User Agreement;
- as Corporator or Volunteer
- and I hereby affirm that I understand its contents and will adhere to its guidelines'

Signature and date.



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Excerpts from the Employee Handbook – Employee Conduct and Work Rules Policy (p.34)

‘...to ensure orderly operations and provide the best possible work environment. We expect employees to follow these rules of conduct while on Worcester Art Museum premises, attending Worcester Art Museum functions or otherwise performing work-related activity.’

‘The Worcester Art Museum takes significant steps to provide a safe, secure workplace and strives to ensure that all individuals associated with the organization are treated in a respectful and fair manner.’

Excerpted examples of behavior that would be considered infractions of the organization’s rules of conduct:

- Failure to comply with the organization’s policies
- Sexual or other harassment
- Using excessively abusive, threatening or obscene language
- Bullying

Excerpts from Employee Handbook – Diversity and Inclusion Policy (p. 5)

‘All employees and volunteers of the Worcester Art Museum have a responsibility to treat others with dignity and respect. All employees and volunteers are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other organization-sponsored and participative events.’

‘Any employee found to have exhibited any inappropriate conduct or behavior in violation of this policy may be subject to disciplinary action up to and including termination’

Anti-Harassment Policy and Complaint Procedure (p. 6)

‘The Worcester Art Museum is committed to providing you with a work environment that is safe, pleasant, comfortable and productive. Workplace harassment – including sexual harassment and harassment based on race, color, ancestry, national origin, sex,



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sexual orientation, gender identify or expression, religious creed, age, pregnancy or related conditions, handicap (disability), mental illness, genetics, military or veteran status or any other protected class under federal, state, or local laws – is unacceptable. The Anti-Harassment Policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the Worcester Art Museum e.g., an outside vendor, consultant, or visitor.’

‘Sexual harassment is defined as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when one of the following occurs:’

‘ Examples of such harassment may include epithets, slurs or negative stereotyping, as well as threatening or hostile acts based on protected status or behavior which has the purpose or effect of unreasonably interfering with an individual’s work performance, or otherwise adversely affects an individual’s employment opportunities.’

‘Has the purpose or effect of creating an intimidating, hostile or offensive work environment.’

Workplace Anti-Bullying Policy (p.24)

The Worcester Art Museum is committed to providing a safe, healthy work environment for all employees. As such, the organization will not tolerate bullying of any kind and will deal with complaints accordingly. This policy applies to employees while working, attending work functions, and traveling on business.

Bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the workplace or in the course of employment. Such behavior violates Worcester Art Museum policies, which state that all employees will be treated with dignity and respect.

Bullying can be intentional or unintentional. However, when an allegation of bullying is made, the intention of the alleged bully is irrelevant and will be given no consideration when a complaint is investigated. It is the effect of the behavior that will be considered.

While not an exhaustive list, examples of bullying includes verbal bullying, physical bullying, nonverbal threatening gestures, and exclusion. Behavior that may constitute or contribute to evidence of bullying may include the following: excluding a person, humiliation, public reprimand, hampering an individual’s ability to do their work, and spreading rumors or gossip.



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Issues and insights reported through interviews:

- It was reported by many that Matthias is well liked, is charming and valued at WAM. He has managed challenging and important transitions at the Museum.
- Through my interviews I heard of other behaviors of concern that had occurred in the past, were not addressed at the time and in some cases continue. Most of these occurred within the Museum community, others involved events outside WAM and within the larger museum world.
- One of the other warnings Rachel received from a staff member involved a 'beaver coat'. It was confirmed by additional staff members that the coat was worn by Steve at a party (2017?) at the home and that he told those present to 'touch my beaver'. Several people did. It was reported that Steve thought this was extremely funny. It was stated that Steve had a lot to drink and appeared affected by wine. No one said anything. The incident was reported by staff to the Museum at the time of the incident. The Museum did not address the issue.
- An additional concern raised through interviews was the feeling that there was a lack of equity in treatment of women and marginalized groups. Although the organization is striving through its updated policies and focus on DEAI (e.g. workshops) to impact attitudes and behaviors, it was reported that gaining equity has been a struggle. This was illustrated through efforts for job title equity and attitudes towards exhibits by senior staff and Board members.
- Throughout my interviews I heard of inappropriate incidents occurring at which senior staff members were present, said nothing, and nothing was done. It was reported that there is no accountability for behaviors, and no safety for staff, particularly women. There has been discomfort reporting concerns for this reason and because there is fear of retaliation. It was reported that staff members are aware that positional power would protect those whose behavior was in question.
- It was reported that the senior team seems to get along well, however the levels below do not do as well with the senior team. It was called 'a big disconnect between senior staff and lower levels.'
- Interviewees reported sharing their concerns in the past without results. There has been some improvement over the past couple of years since Bonnie Losavio joined WAM.



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- A few incidents were reported at which a lack of sensitivity to different cultures, lack of verbal boundaries and self control created a situation that had a negative impact on the reputation of the museum and/or its staff. Recollections were shared reporting embarrassing situations involving those in the museum world and Matthias and Steve.

Key Findings:

Matthias Waschek is a valued Director by many at WAM. He is seen as knowledgeable, charismatic and friendly. He admits to having some 'blind spots' around cultures, although he himself has lived in different countries, experienced different cultures in which he needed to succeed, and personally experienced cultural harassment. ** (**see the bottom of p. 13 **).

Matthias' husband Steve Taviner has participated in Museum related social events at his home and at the Museum. He has been reputed to drink excessively at times, which seems to have a negative impact on his judgment and behavior. He too appeared to have sensitivity to behaviors towards him that felt racist.

Rachel Parikh was described as interesting, engaging, amazing and wonderful. She is stressed and is often on her guard for unexpected and unwanted comments and comments.

Those who did not speak up when present during reported incidents of inappropriate behaviors, did not remember seeing them or did not find anything wrong. For those unaffected by hurtful behaviors it is possible not to see them or not to remember. Those who are hurt by these behaviors cannot forget.

Some sexually oriented comments, innuendos and behaviors were reportedly made by both Matthias and Steve at the dinner in question and at other events.

Reports by both those offended and those who might not have felt offense, stated that no one appeared upset, and no one spoke up. Women, people of color and those with less power know how to mask their reactions to unpleasant, racist or misogynistic behaviors; techniques used to stay safe. It was stated that if upset had been expressed, apologies would have been extended.



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I was informed that the Museum community is small and that it is more than possible that stories that shed a negative light on the Museum could be shared within the broader museum community.

Seasoned employees at the Museum and those having experienced uncomfortable situations have felt a responsibility to inform others to be aware and careful when attending social events with Matthias and Steve.

Themes:

1. *Intent vs. Impact.* I was told that actions and behaviors were taken to be inclusive and make Rachel feel welcome. That may have been the intention, but the impact on her was otherwise. In the two events discussed, she felt discomfort, stress, harassment, bullying and fear of intimidation.
2. In situations described as culturally, sexually or professionally inappropriate or hurtful, there was no challenge to the behavior by anyone present or accountability at the time or later.
No one is all good or all bad. It is possible to respect, like and value someone and still see flaws that are serious and problematic.
3. *Micro-aggressions* (subtle, often unintentional form of prejudice, often taking shape of an offhand comment, inadvertent painful joke or pointed insult), occurred often, and over time because they continued to be repeated, felt like *macro-aggressions* (obvious, intentional insults towards those of a different race, gender, culture, etc.)
4. Interviews found *little trust* that employees felt they were protected and would be kept safe. It was reported that Matthias has a hard time letting go of events, comments or criticism that have him in a less than positive light. I also heard that he repeats his perspective on such incidents, gossips and holds grudges.
5. Loyalty seemed to trump honesty or memory. I could not substantiate from others present, what were credible accusations.
6. Lack of awareness and boundaries led to uncomfortable, offensive, harassing and harmful behaviors impacting work.



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Analysis:

1. Although there was no confirmation of the experiences Ms. Parikh recounted at the brunch or the dinner, I found her accusations credible, because a) she had no motive to lie; b) her emotional reactions were consistent with someone distressed over perceived mistreatment; c) her recollections in more than one discussion were consistent; and d) she has not raised a legal claim which would be evidence of bias. What Ms. Parikh described appeared to fit a pattern that began prior to her arrival at the Museum.
2. The facts (supported by other interviewees) point to unintended consequences of behaviors that a) were meant to be inclusive; yet b) illustrated insensitivity, unawareness of cultural differences, lack of understanding of power and compliance behaviors, and lack of appropriate boundaries; and c) the influence of alcohol on judgement and actions.
3. What may have been the best of intentions failed due to a lack of understanding and execution of appropriate professionalism. This led to violations of the Museum's Code of Ethics, policies, and possibly state and federal laws. It is important to note that behavior, even if it does not rise to the level of an actionable legal claim, may still be inappropriate for the workplace and grounds for remedial action.
4. WAM is attempting through its updated policies, the Code of Ethics and Strategic Plan to focus on holding everyone accountable for their behaviors and to speak up when others' behavior veer off course. They are also focusing on diversity, equity, access and inclusion. This work should continue. A focus on accountability should increase.
5. There were pockets of failure from all levels of the organization to speak up to keep the work environment safe. If no one steps up, problems continue.
6. It is important that managers are available and develop relationships with their staffs that enable the sharing of bad news as well as business and good news. If staff is not comfortable or doesn't trust that negative information can be received objectively, they will not come forward.
7. It is common in our culture to excuse unpleasant characteristics in those who also add great value. When others are harmed by those characteristics, policies, state and federal laws exist to protect those harmed. It falls on all members of the organization to support and uphold those policies and laws. As stated earlier, no one is all bad or all good. For the good of the organization problem areas must be called out, addressed and corrected.
8. Determining what is appropriate or offensive is often defined, in this situation, by 'the reasonable women standard' for sexual allegations and "reasonable Indian standard" for



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allegations of ethnic or national origin harassment. I conclude that much of the behavior described at the dinner went beyond what a reasonable Indian woman would consider appropriate. Behavior that began at the brunch created a hostile and offensive work environment for Rachel.

9. Leadership involves modeling behaviors and attitudes. This includes knowledge, experience, work habits, ethics and the organization's values. These do not appear to have been fulfilled in a positive manner.
10. Morale and potential impact to the Museum's reputation are real concerns of those interviewed, as is accountability.

** It was relayed that both Director Waschek and Steve Taviner experienced what they considered racist or hurtful, cultural insensitivity. Yet neither exhibited understanding, empathy or an ability to transfer that awareness to situations in which they were insensitive. **

Exhibit D

Addendum to "Report on Investigation May-June 2022"

R. Parikh

- **Page 1, paragraph 2:**
 - I am described as an "Indian woman", - to clarify, I am of Indian descent/ Indian American. I was born and raised in the United States.
 - It also states I joined the Museum in March of 2020; my start date was February 18, 2020
 - My original title was "Assistant Curator of Asian and Middle Eastern Art"
 - My current title is "Associate Curator of the Arts of Asia and the Islamic World"

- **Page 2:**
 - I am titled as "Ms." starting from this page, but my title is "Dr."

- **Page 3, paragraph 1:**
 - It states "having grown up in a white, Chicago neighborhood" – to clarify, was born and raised in this neighborhood.

- **Page 3, paragraph 1 under "2. Dinner: At the home of Matthias Waschek ..."**
 - It states that, " She was assured by another member of staff that Mark and Phyllis were wonderful, would be good dinner companions, and she should attend". Actually, I was told that "Matthias and Steve should be on their best behavior with the CFO and [Matthias's] EA. It should be safe." This member of staff was referring to "being safe" from Matthias and Steve's inappropriate behavior., which included the pillow and beaver coat.

- **Page 4, paragraph 2:**
 - It states that "It was reported that Steve shared a horrible experience he had at Indian market where he was questioned the store clerk as to whether he knew how to use the ingredients ..." I have to clarify that, in his description of this event, he imitated the store clerk's Indian accent; did a falsetto voice to indicate the clerk was female; and did the stereotyped Indian head movement.

- **Page 4, paragraph 3:**
 - It states, "Rachel saw a piano and asked Steve if he played. Steve said that he stopped taking lessons during his childhood." This is not correct. Earlier in the evening, before we sat in the dining room for dinner, Steve had mentioned he played piano and began playing around 7. In the dining room, I had asked "Steve, did you ever compete in piano competitions?" [I asked because I too play piano and participated in competitions]. He replied "I can't answer that without talking about something else." The rest of the paragraph is correct, but I do want to clarify that Steve repeatedly said "My mother f***ed my piano teacher."

- **Page 5, paragraph 1:**
 - It states “It was reported to Rachel that after her interview for her role at the Museum, Claire commented that ‘Rachel did not look like a curator’.” This is not entirely correct. Claire had expressed concerns about my “look” and me not having “the look” (ie the look of a “curator”). She had seen me wear a Harvard sweatshirt leaving the Museum on my way to catch the rideshare van (Knights) to the airport. For the interview, I wore a dark green blouse, black pants, and green-black flats.
 - I would like to clarify that the “important presentation” was a conducted over Zoom. Claire was not in attendance.
 - I wore a black cashmere sweater with a silver necklace.
 - I would like to add that, in addition to asking me to “zhuzh up”, Claire had said that I “don’t look like a curator” and gave me suggestions on how to “zhuzh up” by wearing earrings, makeup, and ruffles.

- **Page 12:**
 - Point number 5: This is not true; as stated on **page 9, point 3**, “The incident was reported by staff to the Museum at the time of the incident. **The Museum did not address the issue.** Members of staff **have** in the past brought concerns forward, and nothing was done, and as evidenced by this report, the behavior continues. People have spoken up, but the Museum never addressed the issues.

*****I would like to draw attention to an incident that occurred on Monday, July 4th in relation to this investigation. *****

At 3:40 PM CST, I received a text message from a member of staff: “I want to acknowledge that you were so brave to bring a suit against Matthias. A friend of [my partner] told [my partner] (she heard from someone who knows Matthias).”

I was told by Bonnie that this investigation was confidential, and I have abided by that. I was also told that, in the event I was approached about the investigation by anyone that was not part of it, or was retaliated against, I should report it right away. I immediately messaged Bonnie and spoke her over the phone. I have shared a screenshot of the text message with Bonnie.

The chain of communication, as described in the text message is:

Matthias → acquaintance → friend of acquaintance → member of staff’s partner → member of staff → me

This text message cements the following in the Report:

- **page 11, point 4:** “It was reported that Matthias has a hard time letting of events, comments, and criticism ... I also hear that he repeats his perspective on such incidents, gossips, and holds grudges.”
- **page 9, point 5 :** “There has been discomfort reporting concerns for this reason and **because there is fear of retaliation.**”

This is a form of retaliation and defamation. Not only did Matthias violate the confidentiality of this investigation, but he, most importantly, identified me. The fact that this happened outside the Museum and that it made its way back to the Museum and to me, is **a violation of the Worcester Art Museum's Code of Ethics, as described in the Report on pages 6-8.**

He didn't respect the investigation, and by identifying me, it not only shows a complete lack of sensitivity and respect, but it is also defamatory – talking to people about the situation and identifying me in a small community can affect and even threaten my reputation and my career.