

June 5, 2025

Mr. Darrell Bogan  
Director, Office of Civil Rights  
National Endowment for the Arts  
bogand@arts.gov



To whom it may concern,

This is a Federal Civil Rights complaint filed under the National Endowment for the Arts' Office for Civil Rights Complaint Resolution Process, directed to the Director of the Office for Civil Rights, against Maestra Music, Inc. (Maestra), EIN 83-343518, located at 214 West 104th St. 237, New York, NY 10025 and the New York State Council of the Arts (NYSCA) located at 411 5th Ave Fl 7, New York, NY 10016.

Fair For All (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties and promoting a common culture grounded in fairness, understanding, and humanity. As an interested third party, FAIR alleges that Maestra engaged in discriminatory hiring practices in connection with a 2023 three-week paid apprenticeship advertised as a "shadowing opportunity" ("opportunity").

This opportunity was offered in collaboration with Musicians United for Social Equity (MUSE) and the Broadway musical *Wicked*, and was made possible through federal grant funds awarded by the National Endowment for the Arts (NEA) to the NYSCA.

### **Identifying the parties**

According to their 2023 IRS 990 form **Maestra** is a 501(c)3 nonprofit organization that is:

*...based in New York that provides support, visibility, and community to the women and nonbinary people who make the music in the musical theater industry. Maestra envisions a world in which women and nonbinary people have equitable access, visibility, and creative impact in the musical theater industry. In this future, at least half of all music-related theater jobs and leadership roles are filled by qualified women and nonbinary musicians, decidedly inclusive of people of color. These musicians are historically and consistently under-represented in musical theatre. By delivering on our mission, we will be a catalyst and driving force to help achieve gender equity in our business.*

Meanwhile, according to its website: "**MUSE** is committed to creating diversity within the music departments of the theatre industry by providing access, internships, mentorships, and support to historically marginalized people of color."<sup>1</sup>

**Wicked** is a Broadway musical production, known for its large-scale performances, music, and significant presence in the professional musical theater industry.

**Kevin Lynch** is a musical director and a member of the protected classes of race (White) and sex (male) under Titles VI and VII of the Civil Rights Act.

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<sup>1</sup> MUSE, <https://museonline.org/> (accessed June 4, 2025)



**Basis of the complaint**

Sometime in 2023, Maestra and MUSE published a short 3-week employment opportunity (“opportunity”) for emerging Music Directors that was “*exclusively open*”(emphasis added) to MUSE and MAESTRA members which provided a weekly stipend. [Exhibit A]. The deadline to apply was July 10, 2023.

FAIR is aware that Kevin Lynch, an interested music director, sought to apply to this opportunity. However, to apply one must first be a member of either Maestra or MUSE. Yet, Maestra membership is limited to “female” or “non-binary” musicians. [Exhibit B] Similarly, MUSE membership is limited to persons of color. [Exhibit C]

Mr. Lynch promptly applied for membership at both of these associations, but on July 5th, 2023, Maestra sent Mr. Lynch an email stating that his membership application had been denied because it was either incomplete/too long or the “application did not indicate that [Mr. Lynch’s] profile belongs in the Maestra community.” [Exhibit D]. In other words, since Mr. Lynch was neither a female or non-binary, he was denied membership in the Maestra association.

Similarly, on June 28, 2023, Mr. Lynch signed up for the MUSE directory. Although Mr. Lynch received no formal rejection, his profile remains unaccepted and unpublished on the MUSE website after nearly two years. This amounts to a de facto denial.

**Applicable law**

Titles VI and VII of the Civil Rights Act and the 14th Amendment to the Constitution from which the Civil Rights Act was derived prohibit organizations receiving federal assistance from separating employees or otherwise excluding employees from certain benefits based on skin color. Title VI provides:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Similarly, Title VII provides, in relevant part:

It shall be an unlawful employment practice for an employer - (1) to...discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

Furthermore, the U.S. Supreme Court recently and unanimously held that Title VII applies equally to all individuals, regardless of majority or minority status, striking down higher proof standards for majority-group plaintiffs in discrimination cases. *See Ames v. Ohio Dept. of Youth Services, No. 23-1039 (U.S. June 5, 2025)* (“Congress left no room for courts to impose special requirements on majority-group plaintiffs alone.”) This ruling reinforces that excluding individuals, such as Mr. Lynch, from opportunities based on race or sex violates federal anti-discrimination protections.



In 2023, Maestra's annual report indicated that 5% of its funding came from the New York State Council on the Arts (NYSCA) [Exhibit F]. During the past 5 years, including 2023, the NEA granted \$106,596,547 to NYSCA as part of its state partnership agreements.<sup>2</sup> As such, Maestra was indirectly funded by the NEA, establishing Maestra as an indirect recipient of federal funds.

As a recipient of federal funds, NYSCA must ensure that its programs and activities, including those of subrecipients like Maestra, comply with applicable federal laws and do not discriminate based on race, color, national origin, disability, age, or sex. Title VI of the Civil Rights Act of 1964 applies to Maestra as an indirect recipient of federal funds through NYSCA. By providing funding to Maestra, which acted as a state actor, NYSCA supported a program restricted to Maestra and MUSE members, requiring participants to be female, nonbinary, or a person of color, in violation of federal anti-discrimination laws.

Furthermore, Maestra's 2023 IRS 990 form reports 11 employees, in their response to Mr. Kevin Lynch's 2023 complaint with the New York Division of Human Rights Maestra claimed 6 employees, and their 2023 annual report lists 9 staff, excluding the president.<sup>3</sup> As Maestra likely has fewer than 15 employees, Title VII does not apply to their employment practices. However, the inconsistent employee counts may warrant investigation for compliance with other labor laws.

### **Specific Allegations**

**Discriminatory Membership Requirements:** Maestra and MUSE restricted the 2023 Music Director shadowing opportunity to their members, requiring applicants to be female, nonbinary, or a person of color. As a White male, Kevin Lynch was denied membership by Maestra on July 5, 2023, due to not meeting their gender criteria [Exhibit D] and by MUSE, due to not meeting their racial criteria. This exclusion prevented Mr. Lynch from qualifying for the opportunity, violating anti-discrimination protections under federal law applicable to recipients of federal funds.

**Unlawful Use of Federal Funds:** Maestra, indirectly receiving federal funds through the New York State Council on the Arts (NYSCA) via National Endowment for the Arts (NEA) grants, acted as a state actor when offering this opportunity. By limiting participation based on gender and race, Maestra's actions constituted discriminatory practices under federal civil rights laws, including Title VI, which prohibits discrimination in programs receiving federal financial assistance.

**Inconsistent Employee Reporting:** Maestra's IRS 990 form for 2023 reports 11 employees, while in their response to Mr. Lynch's complaint with the New York Division of Human Rights Maestra claimed 6 employees, and their 2023 annual report lists 9 staff members, excluding the president. FAIR Believes these discrepancies suggest potential misreporting, which may affect the applicability of Title VII or other labor laws and warrants further investigation.

**NYSCA's Failure to Ensure Compliance:** The New York State Council on the Arts (NYSCA), as a recipient of federal funds from the National Endowment for the Arts (NEA), failed to ensure that Maestra, a subrecipient of its funding, complied with federal anti-discrimination laws. By disbursing funds to

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<sup>2</sup> National Endowment for the Arts, <https://www.arts.gov/impact/state-profiles/new-york> (accessed June 4, 2025).

<sup>3</sup> Maestra Music, 2023 Annual Report, [https://media.maestramusic.org/wp-content/uploads/2024/03/13145237/Maestra\\_AnnualReport-FINAL.pdf](https://media.maestramusic.org/wp-content/uploads/2024/03/13145237/Maestra_AnnualReport-FINAL.pdf) (accessed June 4, 2025).



Maestra for a program that excluded participants based on gender and race, NYSCA violated its obligation under Title VI to prevent discrimination in federally funded programs.

### **Requested Remedies**

To address the discriminatory practices detailed in this complaint and ensure compliance with federal anti-discrimination laws, FAIR respectfully requests the following administrative remedies from the National Endowment for the Arts' Office for Civil Rights:

- **Policy Revision:** Direct Maestra Music, Inc., and NYSCA to revise their policies and eligibility criteria for federally funded programs, including programs such as the 2023 Music Director shadowing opportunity, to eliminate restrictions based on gender, race, or other protected characteristics, ensuring equal access for all qualified applicants in compliance with Title VI.
- **Program Access:** Order Maestra, as long as they continue receiving public funds, to provide Mr. Lynch and other similarly excluded individuals with the opportunity to apply to future opportunities or a comparable paid apprenticeships, *without requiring membership* in discriminatory groups, like Maestra or MUSE, which impose discriminatory gender- and race-based criteria.
- **Compliance Monitoring:** Require NYSCA to establish and implement oversight mechanisms to ensure that subrecipients, such as Maestra, comply with federal anti-discrimination laws when using NEA funds, including regular compliance reports to the NEA's Office for Civil Rights.
- **Investigation of Practices:** Conduct an investigation into Maestra's use of federal funds through NYSCA and its reported employee counts (discrepancies between IRS 990 forms, annual reports, and prior complaints) to assess compliance with federal regulations and ensure accurate reporting.
- **Training Implementation:** Mandate that Maestra and NYSCA staff undergo training on Title VI and other federal anti-discrimination laws to prevent future exclusionary practices in federally funded programs.

FAIR urges the National Endowment for the Arts' Office for Civil Rights to promptly investigate Maestra Music, Inc.'s discriminatory practices and the NYSCA's oversight failures. These actions defy the equality federal funding demands. FAIR is prepared to provide further evidence to secure justice and foster an inclusive musical theater industry where everyone is welcomed regardless of sex, color, or national origin.

Very truly yours,

Monica Harris

*Monica Harris*

Executive Director

Fair For All

# Exhibit A



# MUSE/Maestra MD Experience Application

Announcing the Music Director (MD) Experience initiative from MUSE and MAESTRA. In partnership with the blockbuster musical, WICKED, we are extremely pleased to be offering this pipeline program open exclusively to NYC (Tri-State) area MUSE and MAESTRA Directory members who are emerging MDs looking to make a big leap in their MD journeys. This experience will be a 3-week intensive shadowing engagement in-person in New York City with a modest paid weekly stipend. Day to day duties will include observing cast rehearsals, observing performances from both the orchestra pit and the sound board, studying one of the keyboard books from the show, and gaining practical playing and conducting experience by working with the Music Director one on one. Some MD experience is necessary to be considered. The application deadline will be Monday, July 10th, 2023 11:59pm EDT. Selected musician(s) will be notified by Thursday, July 20th, 2023. The program will start at a mutually convenient date between parties at around early-mid August. Note that this is only open to candidates in the NYC area as there are no travel or housing arrangements involved.

MUSE's mission is to cultivate more racial equity in theatrical music departments by providing access, internships, mentorships, and support to historically marginalized people of color. MUSE aims to challenge systemic acts of exclusion and support musicians as we transition to a more diverse and inclusive environment for all.

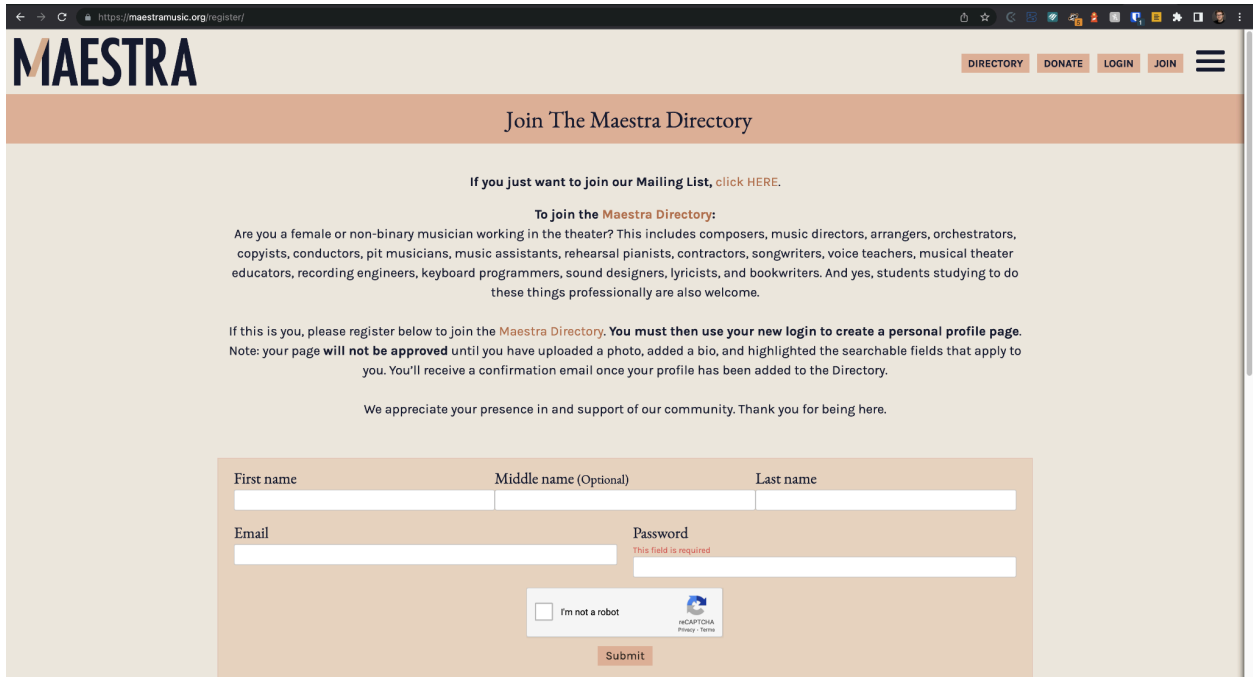
Join the MUSE Directory: <https://museonline.org/register/>

MAESTRA provides support, visibility, and community to the women and nonbinary people who make the music in the musical theater industry. Our membership is made up of composers, music directors, orchestrators, arrangers, copyists, rehearsal pianists and other musicians. The organization's initiatives include monthly educational seminars, mentorship programs, technical skills workshops, networking events, and online resources and partnerships that aim to promote equality of opportunity and to address the many historical disadvantages and practices that have limited women and nonbinary composers and musicians in the musical theater.

Join the MAESTRA Directory: <https://maestramusic.org/register/>



# Exhibit B



The screenshot shows a web browser window with the URL <https://maestramusic.org/register/>. The page features the MAESTRA logo in the top left and navigation links (DIRECTORY, DONATE, LOGIN, JOIN) in the top right. The main heading is "Join The Maestra Directory". Below this, there is a link to join the mailing list and a section titled "To join the Maestra Directory:" which lists various roles in the theater industry. A note states that registration is required to join the directory and that profiles will not be approved until a photo and bio are added. A registration form follows, with fields for First name, Middle name (Optional), Last name, Email, and Password. A reCAPTCHA "I'm not a robot" checkbox is present, and a "Submit" button is at the bottom.

MAESTRA

DIRECTORY DONATE LOGIN JOIN

## Join The Maestra Directory

If you just want to join our Mailing List, [click HERE](#).

**To join the Maestra Directory:**

Are you a female or non-binary musician working in the theater? This includes composers, music directors, arrangers, orchestrators, copyists, conductors, pit musicians, music assistants, rehearsal pianists, contractors, songwriters, voice teachers, musical theater educators, recording engineers, keyboard programmers, sound designers, lyricists, and bookwriters. And yes, students studying to do these things professionally are also welcome.

If this is you, please register below to join the **Maestra Directory**. **You must then use your new login to create a personal profile page.** Note: your page **will not be approved** until you have uploaded a photo, added a bio, and highlighted the searchable fields that apply to you. You'll receive a confirmation email once your profile has been added to the Directory.

We appreciate your presence in and support of our community. Thank you for being here.

First name	Middle name (Optional)	Last name
<input type="text"/>	<input type="text"/>	<input type="text"/>
Email	Password	
<input type="text"/>	<input type="text"/>	

☐ I'm not a robot

Submit



# Exhibit C

The screenshot shows a web browser window with the URL <https://museonline.org/register/>. The MUSE logo is in the top left, and a navigation menu with links like ABOUT, DIRECTORY, PROGRAMS, EVENTS, RESOURCES, DONATE, CONTACT, LOGIN, and a JOIN button is in the top right. Below the navigation bar is a dark banner with the text "BECOME A DIRECTORY MEMBER".

**To join the MUSE Directory:**  
Are you a Person of Color who identifies as a musician? This includes composers, music directors, arrangers, orchestrators, copyists, conductors, pit musicians, music assistants, rehearsal pianists, contractors, songwriters, voice teachers, musical theater educators, recording engineers, keyboard programmers, sound designers, lyricists, and bookwriters. And yes, students studying to do these things professionally are also welcome.

If this is you, please register below to join the MUSE Directory. You must then use your new login to create a personal profile page. You'll receive a confirmation email once you've been approved.

We appreciate your presence in and support of our community. Thank you for being here.

The registration form contains the following fields and options:

- FIRST NAME, MIDDLE NAME (OPTIONAL), LAST NAME (text input fields)
- EMAIL, PASSWORD (text input fields; the password field has a red error message "This field is required")
- ☐ I identify as a BIPOC musician.\*
- ☐ I'm not a robot (with a reCAPTCHA logo)



# **Exhibit D**

7/5/2023

Zoho Mail - Print

From : Maestra <postmaster@maestramusic.org>  
To : <Kevin@kevinlynchj.com>  
Subject : Your Maestra profile application has been denied.  
Date : Wed, 05 Jul 2023 21:23:35 -0400

Dear Kevin Lynch,

Your Maestra profile application has been denied. Common reasons include: 1) Your pending profile remained incomplete for too long, or b) Your application did not indicate that your profile belongs in the Maestra community.

If you have any further questions or feel there has been an error, please write to [directorymanager@maestramusic.org](mailto:directorymanager@maestramusic.org).

Sincerely,  
Maestra