

### Non-Discrimination and Non-Harassment Policy

It is the goal of Harwich Jr. Theatre, Inc. ("the Theatre") to promote an environment that is free of sexual harassment and discrimination. Sexual harassment and discrimination of individuals that occurs in the Theatre – or in other settings that are connected with the individual's employment or participation in the Theatre's activities or services – is unlawful and will not be tolerated by this organization. It is the policy of the Theater to afford equal employment opportunities to qualified individuals, regardless of their age, national origin, ancestry, citizenship, race, color, creed, religion, gender, gender identity, sexual orientation, marital status, military or veteran status or physical or mental disability, and to comply with all applicable laws and regulations. The policy of equal employment opportunity encompasses all aspects of the employment relationship including hiring, promotion, transfer, selection for training opportunities, wage and salary administration and the application of benefit plans and Theater policies.

Sexual harassment and other forms of unlawful harassment and discrimination are offensive, detrimental to morale, and interfere with the effectiveness of the person(s) harassed. The Theater will not tolerate any type of unlawful harassment (including sexual harassment) of or by any Board member, staff (employees and teachers), member of casts and crews, production staff, bands, interns and apprentice, volunteers and applicants by any individual who has a relationship with the Theater (for example, outside vendors, contractors, volunteers or patrons). This policy applies to all settings and activities, whether inside or outside the Theater, and includes Theater-related social events. The Theater's property (for example, telephones, copy machines, facsimile machines, computers and computer applications such as e-mail and Internet access) may not be used to engage in conduct that violates this policy.

Further, any retaliation against an individual who has complains about unlawful harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint similarly is unlawful and will not be tolerated. To achieve our goal of providing an environment free from harassment and discrimination, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by an individual.

Because the Theatre takes allegations of unlawful harassment seriously, we will respond promptly to complaints of unlawful harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of unlawful harassment and discrimination, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment. While this policy encompasses all forms of

unlawful discrimination and harassment, there are particular aspects of sexual harassment we feel are important to explain.

**Definition for Sexual Harassment**

The legal definition for sexual harassment is: unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (i) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or participation or as a basis for employment or participation decisions; or;
- (ii) such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or humiliating, or sexually offensive work environment

The Theatre's policy applies to behavior involving individuals of the same or different gender.

Under this definition, direct or implied requests for sexual favors in exchange for actual or promised participation or employment-related benefits such as favorable reviews, salary increases, promotions, increased benefits, continued employment, or a specific role in conjunction with a theatre production constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to male or female workers or participants also may constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets or jokes; written or verbal references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; or comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, and cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities

**POLICIES HANDBOOK: SEXUAL HARASSMENT V1**

All individuals should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment or discrimination, and retaliation against individuals for cooperating with an investigation of a sexual harassment or discrimination complaint is unlawful and will not be tolerated by this organization.

Retaliation against any individual who reports discrimination or harassment (either experienced firsthand or observed) and/or who participates in an investigation of a claim of such reports is strictly prohibited, is a serious violation of this policy, and is subject to disciplinary action.

**Complaints of Sexual Harassment**

If any individual believes that s/he has been subjected to sexual harassment at either the Theatre facility at 105 Division Street in West Harwich, or at The Arts Center at 265 Sisson Road in Harwich Center, or in other settings that are connected with the individual's employment or participation in the Theatre's activities or services, the individual has the right to file a complaint with our organization. This may be done in writing or verbally.

The Theatre has several accessible avenues for receiving complaints of harassment, discrimination, or retaliation to ensure that if the individual reporting an incident feels uncomfortable discussing the matter with one of the representatives designated to receive complaints, he or she may bypass that "avenue" and choose another.

The Theatre strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position, to the Director, the Stage Manager, the Artistic Director, or the Board ombudsman. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives. Those who witness or experience incidents of discrimination or harassment in a classroom or camp setting are also encouraged to bring the matter to the attention of a teacher or on-site coordinator.

**Comment [JT1]:** We should identify these people and, perhaps, provide an e-mail. For example, "the Director (currently Jane Doe at [jdoe@theater.com](mailto:jdoe@theater.com)) . . .". Also, we suggest that at least one person of each gender be designated

**Comment [JT2]:** Should be handled by the same person who manages our HR function? Also, duplicative of the final "Questions" section

The availability of the Theatre's complaint procedure does not preclude individuals who believe that they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

**Steps to Resolution****Investigation**

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly, and may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

### **Confidentiality**

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. Absolute confidentiality, however, cannot be promised once a complaint is made since the Theatre has a duty to thoroughly investigate allegations of harassment.

### **Responsive Action**

If it is determined that inappropriate conduct has been committed we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or participation, and may include such other forms of disciplinary action, as we deem appropriate under the circumstances.

### **Other Remedies**

In addition to the above, if you believe you have been subjected to illegal harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

The United States Equal Employment Opportunity Commission ("EEOC"):

John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203;

Phone: 1-800-669-4000; Fax: 617-565-3196; TTY: 1-800-669-6820.

The Boston Area EEOC Office is open Monday-Friday from 8:30 a.m. - 5:00 p.m. Intake hours are Monday - Friday, from 8:30am to 3:00 pm.

The Massachusetts Commission Against Discrimination ("MCAD"):

Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108, (617) 994-6000; TTY: (617)-994-6196;

New Bedford Office: 800 Purchase Street, Room 501, New Bedford, MA 02740; Phone 508-990-2390;

Fax 508-990-4260.

Springfield Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103, (413) 739-2145;

Complaints can be filed Monday through Friday from 8:45 am to 4:00 pm.

### **Questions**

Individuals who have questions or concerns about the Theatre's policy should speak with the Board ombudsman, who is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and discrimination, as well as our complaint process.

### Non-Discrimination and Non-Harassment Policy for Youth

Harwich Jr. Theatre, Inc. ("the Theatre") wishes to promote an environment that is free of sexual harassment other harassment and discrimination. Harassment and discrimination that occurs in the Theatre – or in other settings that are connected with the Theatre – *is wrong* and often unlawful.

Sexual harassment and other forms of unlawful harassment and discrimination are offensive, hurt morale and will not be tolerated regardless of the person who engages in the harassing conduct. We want all participants in theater activities to feel safe and that includes feeling safe to report anything you experience or see that makes you uncomfortable. Therefore, this policy applies to all settings and activities, whether inside or outside the Theater, and includes Theater-related social events.

Because we want you to feel safe in reporting any harassment or similar conduct that makes you uncomfortable, we want to assure you that any retaliation against a person who reports harassment or cooperates with an investigation of a harassment complaint will not be tolerated.

We will quickly respond to reports of harassment and if we find that such inappropriate conduct has occurred, we will act to eliminate the conduct as fast as possible and by taking any necessary steps, including removing the person engaged in such conduct if necessary.

While this policy concerns all forms of unlawful discrimination and harassment, there are particular aspects of *sexual harassment* we feel are important to explain.

#### Definition for Sexual Harassment

Sexual harassment can take many forms and is banned at the Theatre because it may offend, intimidate, or humiliate workers or participants in Theatre activities. While it is not possible to list all types and examples of sexual harassment, the following are some examples of conduct which may be sexual harassment depending upon the circumstances:

- Any unwanted romantic requests;
- Sexual comments or jokes;
- references to sexual or romantic conduct;
- gossip about someone's sex or romantic life;
- commenting on an individual's body or looks in a demeaning or sexual way;
- displaying sexually suggestive objects, pictures, and cartoons;
- sexually suggestive or insulting comments;
- offensive touching; or
- questions into one's sexual or romantic experiences.

Sometimes it is easy to figure out when something is offensive – and violates this policy – and when an act or statement is not. For example, it may not be offensive for someone to compliment another person on a new hair style, or how a costume looks on them. But it is not appropriate for someone to

**SEXUAL HARASSMENT POLICY FOR YOUTHS**

tell another person that they have a “hot body.” Similarly, it may be perfectly fine for two seventeen-year-old actors to arrange a date while talking with one another at the Theatre. But, where one person has indicated he or she is not interested in a date with another person, persistence by that other person is offensive. It can be difficult sometimes to determine whether something someone does or says is offensive or not. But trust your instincts. If something you see, hear or experience strikes you as offensive, inappropriate or even just strange, it is better to be cautious and bring it to the attention of one of the responsible adults listed below or a teacher or Theatre employee you feel comfortable with. Again, please know that we want to encourage anyone who has something to report to come forward. Therefore, retaliation against someone who has complained about or reported sexual harassment or discrimination will not be tolerated. If you see something that bothers you, say something!

**Complaints of Sexual Harassment**

If you believe that you have seen, heard or experienced discrimination, sexual harassment or similar conduct which makes you uncomfortable, at either the Theatre facility at 105 Division Street in West Harwich, or at The Arts Center at 265 Sisson Road in Harwich Center, or in other settings that are connected with the Theatre’s activities, you should report such conduct. This may be done in writing or verbally in several different ways.

We strongly urge you to report discrimination, sexual harassment or similar conduct which you have seen, heard or experienced to the Director, the Stage Manager, the Artistic Director, or the Board ombudsman. If you witness or experience incidents of discrimination or harassment in a classroom or camp you should bring the matter to the attention of a teacher or on-site coordinator.

Of course, just because we have established a complaint/report procedure does not mean you should not directly tell the offender that his or her behavior is unwelcome and asking them to stop.

**Comment [JT1]:** We should identify these people and, perhaps, provide an e-mail. For example, “the Director (currently Jane Doe at [jdoe@theater.com](mailto:jdoe@theater.com)) . . .”. Also, we suggest that at least one person of each gender be designated.

**Steps to Resolution****Investigation**

If you report that you have seen, heard or experienced discrimination, sexual harassment or similar conduct which makes you uncomfortable, the Theatre will investigate your report promptly. We may interview the people involved or those who may also have observed or who may have knowledge about what you reported.

**Confidentiality**

“Confidentiality” means secrecy. We will try to keep as much of your report as secret as is possible. But we cannot promise secrecy because we have a duty to thoroughly investigate allegations.

**Response**

If we find that inappropriate conduct took place, we will take such action as is appropriate under the circumstances. Our action may range from counseling to ending employment or participation.

### Other Remedies

In addition to the above, if you believe you have been subjected to illegal harassment, you may file a complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

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