

# LOFTE COMMUNITY THEATRE ANTI-HARASSMENT POLICY

## A. Objective

Lofte Community Theatre strives to create and maintain an environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees and artists should be able to work, create, and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the company. For that reason, Lofte Theatre will not tolerate unlawful discrimination of harassment of any kind. Through enforcement of this policy and by education, the company will seek to prevent, correct and discipline behavior that violates this policy.

All employees and volunteers, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against anyone who violates this policy. Based on the seriousness of the offence, disciplinary action may include verbal or written reprimand, suspension or termination of employment for employees, or severance of relationship for volunteers.

## B. Prohibited Conduct Under This Policy

Lofte Theatre, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

### 1. Discrimination

It is a violation of Lofte Theatre's policy to discriminate in the provision of employment and volunteer opportunities, benefits or privileges, to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

## 2. Harassment

Lofte Theatre prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, volunteer or any person working for or on behalf of Lofte Theatre. Verbal taunting (including racial and ethnic slurs) that, in the employee's or volunteer's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- a. Verbal harassment includes comments or any type of bullying language that is offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- b. Nonverbal harassment includes intimidating behavior, gestures or posturing, cyberbullying, trolling, or stalking, distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

## 3. Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Lofte Theatre's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of such conduct is used as the basis for employment decision or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

There are two (2) types of sexual harassment:

"Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity or with the

authority to grant such benefits can engage in quid pro quo harassment.

“Hostile work environment,” where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- a. Is made explicitly or implicitly a term or condition of employment;
- b. Is used as a basis for an employment decision;
- c. Unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- a. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse of “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome;
- b. Non-verbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility towards an individual or group because of sex; suggestive or insulting sounds, leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and internet postings or other forms of communication that is sexual in nature and offensive;
- c. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual

intercourse of assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees and volunteers, including men, women, trans and non-binary persons that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

#### 4. Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee or volunteer in response to:

- a. Filing or responding to a bona fide complaint of discrimination or harassment;
- b. Appearing as a witness in the investigation of a complaint;
- c. Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

#### C. Whistleblower Policy & Statement

If any employee or volunteer reasonably believes that some policy, practice, or activity of Lofte Theatre is in violation of law, a written complaint may be filed by that employee with the managing Director or any member of the Lofte Executive Board.

It is the intent of Lofte Theatre to adhere to all laws and regulations that apply to the organization, and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees and volunteers is necessary to achieving compliance with various laws and regulations and to create a safe and creative environment. An employee or volunteer is protected from retaliation only if the individual brings the alleged unlawful activity, policy, or practice to the attention of Lofte Theatre and provides Lofte Theatre a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees and volunteers that comply with this requirement.

Lofte Theatre will not retaliate against an employee or volunteer who, in good faith, has made a protest or raised a complaint against some practice of Lofte Theatre or of another individual or entity with whom Lofte Theatre had a relationship, on the basis

of a reasonable belief that the practice is in violation of law or a clear mandate of public policy.

Lofte Theatre will not retaliate against an employee who discloses or threatens to disclose to a supervisor of a public body any activity, policy, or practice of Lofte Theatre that the employee or volunteer reasonably believes is in violation of a law, or a rule, or regulation mandated pursuant to law or is in violation of a clear mandate or public policy concerning health, safety, welfare, or protection of the environment.

#### D. Consensual Romantic or Sexual Relationships

Lofte Theatre strongly discourages romantic or sexual relationships between a manager or supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employees. Moreover, given the uneven balance of power within such relationship, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different area, or other actions may be taken.

If any employee of Lofte Theatre enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to his or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the general director or any member of the Executive Board. Because of potential issues regarding quid pro quo harassment, Lofte Theatre has made reporting mandatory. This requirement does not apply to employees who do not work in the same area or who do not supervise or otherwise manage responsibilities over the other.

Once the relationship is made known to Lofte Theatre, the company will review the situation in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or area. If it is determined that one party must be moved, but there are no other jobs in other areas available, the parties will be given the option of terminating their relationship or resigning.

#### E. Complaint Process

Lofte Theatre will courteously treat any person who invokes this complaint procedure, and the company will handle all complaints swiftly and confidentially to

the extent possible in light of the need to

take appropriate corrective action. Lodging a complaint will in no way be used against the employee or volunteer, or have an adverse impact on the individual's employment or volunteer status. Because of the damaging nature of harassment to the victims and to the entire company, aggrieved individuals are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

#### F. Confidentiality

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the company's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the company and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

#### G. Complaint Procedure

Lofte Theatre has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

- a. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with the managing director or any member of the Executive Board. No formal action will be taken against any person under this policy unless Lofte Theatre has received a written and signed complaint containing sufficient details to determine if the policy may have been violated. If any employee or volunteer of the Lofte Theatre becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual's coming forward, that employee or volunteer should immediately report it to the managing director or any member of the Executive Board.
  
- b. Upon receiving a complaint or being advised by an employee or volunteer that violation of this policy may be occurring, the managing director or Executive Board member will notify the Executive Board and review the complaint with the company's legal counsel, if applicable.

- c. Within five (5) working days of receiving the complaint, the Executive Board will notify the person(s) charged (“respondent”) of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
- d. During the investigation, the Executive Board will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
- e. Within fourteen (14) business days of the complaint being filed, the Executive Board will conclude the investigation and submit a written report of the findings to the complainant and the respondent.
- f. If it is determined that harassment or discrimination in violation of this policy has occurred, the Executive Board will recommend appropriate disciplinary action. Such action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence presented.
- g. If the investigation is inconclusive, or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Executive Board may recommend appropriate preventive action.
- h. Within seven (7) days after the investigation is concluded, the Executive Board will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being recommended.
- i. The complainant and the respondent may submit statements to the Executive Board challenging the factual basis of the findings. Any such statement must be submitted no later than seven (7) days after the meeting with the Executive Board in which the findings of the investigation are discussed.
- j. Within fourteen (14) days from the date the Executive Board meets with the complainant and the respondent, the Executive Board will review the investigative report and any statements submitted by the complainant or respondent, discuss the results of the investigation, and decide what action, if any, will be taken. The Executive Board will report their decision to the complainant and the respondent. The Executive Board’s decision will be in

writing and include findings of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

#### H. Harassment During Rental of the Lofte Facility

Any offensive behavior, harassment, or other harmful action that is observed during a Rental by any Lofte Volunteer, Staff, Independent Contractor, Board Member or Patron, shall be reported to the managing director or the Executive Board to investigate and determine if the offender should be allowed to continue to rent the facility.

The Lessee assumes full responsibility for the conduct and actions or omissions of all those who enter upon the Lofte premises in connection with the Event, whether its own personnel (employees, volunteers, etc.) or guests. Should it be determined by the Executive Board that violation of this policy has occurred during a rental, the Executive Board will determine the proper remedy, which may include, but is not limited to, reporting the offense to the parent organization, rejecting future rental requests from the persons involved or the organization as a whole, or not allowing the offenders onto Lofte property during any future rentals.

#### I. Alternative Legal Remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies or the court system.