

# CHASKA VALLEY FAMILY THEATRE

## OFFENSIVE BEHAVIOR POLICY

### I. Policy Statement

It is the policy of Chaska Valley Family Theatre (“Theatre”) to make every effort to provide an environment free from discrimination and free from offensive, inappropriate or degrading remarks or conduct. Such behavior includes, but is not limited to, inappropriate remarks about or conduct related to any individual’s race, color, creed, religion, national origin, sex, pregnancy, marital status, disability, familial status, age, status with regard to public assistance or sexual preference or identity, and any other protected class status under either state or federal law. Offensive behavior prohibited by this policy includes requests to engage in illegal, immoral, or unethical conduct or retaliation for the making of a complaint.

While all forms of offensive, inappropriate, and discriminatory behavior are prohibited, it is the Theatre’s policy to emphasize that sexual harassment is strictly prohibited.

The harassment of any volunteer, board member, cast member, independent contractor, or any other individual associated with the Theatre (“Theatre Participant”) is demeaning to both the victim of the harassment and to the Theatre. It can result in high turnover within the Theatre, absenteeism, low morale, and an uncomfortable theatre environment. The Theatre will not tolerate the harassment of any of its Theatre Members and will take immediate, positive steps to stop it when it occurs.

Any Theatre Participant who is found to have acted in violation of this Offensive Behavior Policy shall be subject to appropriate disciplinary action which may include, but is not limited to, a warning, reprimand, suspension, demotion, and termination from being associated with the Theatre.

This policy is not intended to deny the right of any individual who feels s/he has been sexually harassed or harassed in any other manner in violation of the Offensive Behavior Policy, to contact government enforcement agencies, or to replace legal recourse for any actions which violate federal or state law.

### II. Definition

The following definition is intended to define sexual harassment, one form of offensive behavior.

Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or communication of a sexual nature constitutes sexual harassment for purposes of this policy.

The following kinds of conduct may be, depending upon the circumstances, but not limited to, examples of sexual harassment:

### **Verbal Harassment**

- Sexually oriented verbal kidding or abuse.
- Use of offensive or demeaning terms which have sexual connotations.
- Whistling, catcalling, or leering.
- Unwelcome vulgar or obscene jokes or language.
- Commenting on the appearance of an individual in a sexual way.
- Recounting one's sexual exploits for the people in the Theatre.
- Starting or spreading untrue rumors about the sex life of a Theatre Member.
- Subtle or overt pressure for sexual activity.

### **Physical Harassment**

- Soliciting or pressuring someone to sit on your knee, hug, kiss, or be friendly.
- Objectionable physical proximity or physical contact.
- Physical contact such as patting, pinching, or brushing against another's body.
- Unwelcome touching gestures.
- Any physical interference with normal work or environment.
- Grabbing or tearing someone's clothing.
- Physically forcing sexual activity on someone (assault).

### **Visual Harassment**

- Displaying offensive, sexually-oriented jokes or pictures.
- Revealing parts of your body in violation of common decency.
- Photographing other Theatre Members without their permission.
- Staring or attempting to view others during costuming or disrobing.
- Entering dressing areas of others unannounced or uninvited.
- Offensive or intimate personal gestures or touching.
- Displaying offensive, sexually-oriented letters, poems, graffiti, cartoons, or drawings.

In addition to the examples noted above, any other behavior deemed unacceptable by the Theatre may also constitute offensive behavior, if after investigation, so deemed by the Board of Directors.

Further, it is understood that participation in live theater rehearsals and performances may involve extensive touching, including dance, combat scenes, stage kissing, etc.

Such examples are understood to be part of the production process by Participants, and shall not be distinguished from Harassment. Any doubt expressed by Participants shall be addressed as outlined in section IV., Remedial Action.

### **III. Responsibilities**

All Theatre Participants are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. This Offensive Behavior Policy applies to all Theatre Participants.

This policy will be distributed to all Theatre Participants. Every Theatre Participant will be required to acknowledge his or her receipt of this policy in writing. A copy of that acknowledgment form shall be kept on permanent file with the Theatre. The Board of Directors shall be responsible for ensuring that all Theatre Participants are familiar with this policy.

The Board of Directors of the Theatre are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy. They shall establish and maintain a climate in the Theatre which encourages Theatre Participants to communicate questions or concerns regarding this policy; recognize incidents; and notify the Theatre's designated officials in the event of offensive behavior allegations so that consistent investigatory procedures may be implemented.

### **IV. Remedial Action**

Any Theatre Participant who feels s/he is being subjected to offensive behavior should immediately contact one of the persons below with whom the individual feels most comfortable. Complaints may be made orally or in writing to:

- A. The President of the Theatre; or
- B. Any other Board of Director member.

All complaints of offensive behavior will be taken seriously and responded to in a timely and appropriate manner. The Theatre will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Theatre's legal obligation to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### **1. Investigation**

When making a complaint, the Theatre Participant should be prepared to provide the following information:

- a. The complainant's name and position associated with the Theatre;
- b. The name of the person or persons committing the offensive behavior, including their title/s, if known;
- c. The specific nature of the offensive behavior, how long it has gone on, and any action taken by the offender against the complainant as a result of the offensive behavior;
- d. Witnesses to the offensive behavior; and
- e. Whether the complainant has previously reported or discussed such offensive behavior and if so, when, to whom, or with whom.

When an allegation of offensive behavior is made by any individual, the person to whom the complaint is made shall immediately prepare the Unwelcome Behavior Investigation Form according to the preceding section and submit it to the President, or in the event the offensive behavior complaint is against the President, to the Board of Directors.

The President is the person designated by the Theatre to be the investigator of complaints of offensive behavior. The President may delegate the investigation to another Board Member or third party at the Board of Director's discretion. The President may also request that another Board Member conduct the investigation with the President. In the event the offensive behavior complaint is against the President, the investigator shall be a person designated by the Board of Directors.

## 2. Corrective Action

### a. Involving Theatre Participants

Based upon the investigation, the Theatre shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint of offensive behavior has been made constitutes offensive behavior. In making that determination, the Board of Directors shall look at the situation as a whole and at the totality of the circumstances. The determination of whether offensive behavior occurred shall be made on a case-by-case basis.

If the Board of Directors determines that the complaint of offensive behavior is founded, it shall take immediate and appropriate disciplinary action against the offender guilty of the offensive behavior, consistent with its authority.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the individual and any other factors the Board of Directors deems appropriate including, but not limited to: the

effect of the offense on Theatre morale, public perception of the offense, and the light in which it casts the Theatre. A determination of the level of disciplinary action shall also be made on a case-by-case basis. Such actions may include termination of involvement in a production or in all Theatre activities.

A written record of disciplinary action taken shall be kept, including, verbal reprimands in a separate, confidential file.

b. Involving Non-Theatre persons

In cases of offensive behavior committed by a non-Theatre person against a Theatre Participant, the Board of Directors shall take lawful steps to halt the offensive behavior.

**V. Obligation of Theatre Members**

Theatre Participants are not only encouraged to report instances of offensive behavior, but are obligated to make such reports. Offensive behavior exposes the Theatre to liability, and it is part of each Theatre Participant's obligation to reduce the Theatre's exposure to liability.

Theatre Participants are obligated to cooperate in every investigation of offensive behavior. This includes, but is not limited to: coming forward with evidence which may be favorable to the accused person, as well as, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of offensive behavior.

Theatre Participants are also obligated to refrain from filing bad faith complaints of offensive behavior.

**VI. Retaliation**

The Theatre prohibits retaliation against the person making the complaint of offensive behavior, witnesses, a person who associates with or supports a person making a complaint, or any other persons connected with the investigation. Individuals who engage in retaliation will be subject to immediate discipline, up to and including termination of association with the Theatre.

**VII. Process**

If, for any reason, you believe your complaint has not been responded to in a timely or appropriate manner, refer the problem to any official of the Board of Directors.