

## **Muncie Civic Theatre Sexual Harassment Policy**

1. Harassment on the basis of sex is a form of illegal sex discrimination. Sexual harassment in employment violates Title VII of the Civil Rights Act of 1964, as well as state law.
2. Muncie Civic Theatre (MCT) will not tolerate sexual harassment of students or staff or volunteers, and will respond in a suitable manner to every complaint.
3. MCT has adapted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment for our community: Sexual harassment is defined as any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, committed at our Theatre, or at events sponsored by MCT or at activities intended to promote or facilitate MCT events or programming when:
  - 3.1 submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or participation in a education program or activity at MCT;
  - 3.2 submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for decisions;
  - 3.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance or creating an intimidating, hostile or offensive working or educational environment. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct. Sexual harassment includes but

is not limited to situations where one person has authority over another. In such situations, sexual harassment is particularly serious because it may unfairly exploit the power inherent in a supervisor's position.

4. Sexual harassment can be verbal, visual, physical or communicated in writing or electronically. Some conduct obviously constitutes sexual harassment – such as a threat that a position or opportunity depend on submission to sexual advance. But whether particular conduct constitutes sexual harassment will often depend upon the specific context of the situation, including the participants' reasonable understanding of the situation, their past dealings with each other, the nature of their professional relationship (e.g., supervisor-subordinate, peers, etc.) and the specific setting. The inquiry can be particularly complex in a Theatre community, where the free and open exchange of ideas and viewpoints preserved by the concept of intellectual freedom may sometimes prove distasteful, disturbing or offensive to some. Sexual harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for conversations concerning the topics discussed and methods used to draw volunteers and students into discussion and full participation.
5. Examples of conduct which may constitute sexual harassment include but are not limited to:
  - 5.1 requests for sexual favors;
  - 5.2 unwelcome physical contact such as hugging, rubbing, touching, patting, pinching or brushing another's body;

5.3 veiled suggestions of sexual activities;

5.4 requests for private meetings outside of the Theatre for other than legitimate Theatre purposes;

5.5 use in the Theatre of sexual jokes, stories or images in no way germane to the subject of the program:

5.6 use in the workplace of sexual jokes, stories or images in no way germane to the subject of the work environment:

5.7 remarks about a person's body or sexual relationships, activities or experience that are in no way germane to the subject of the work or Theatre environment;

5.8 use of inappropriate body images to advertise events.

6. Members of the Theatre community, including our volunteers, can expect to be free from sexual harassment and thus all members of the Theatre community should guard against it. The fact that someone did not intend to sexually harass an individual is generally not considered a sufficient defense to a complaint of sexual harassment, although the reasonableness of the accusers perceptions may be considered. In most cases, it is the effect and characteristics of the behavior on the complainant and whether a reasonable person similarly situated would find the conduct offensive that determine whether the behavior constitutes sexual harassment.
7. The Theatre will not tolerate retaliation or discrimination against persons who report or charge sexual harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of sexual harassment. In this context, retaliation means speech or conduct that adversely

affects another's terms or conditions of employment or opportunity and is motivated by an intent to harm the targeted person because of their participation in the filing or investigation of an allegation of sexual harassment. Any such retaliation – or encouragement of another to retaliate – is a serious violation of MCT policy, independent of whether the particular claim of sexual harassment is substantiated. Anyone who believes they have been subjected to retaliation in violation of this rule may use the procedures described in this policy to complain and seek redress.

8. Any member of the Theatre community who believes they are being sexually harassed or is being retaliated against is encouraged to go to the employee's or volunteer's direct supervisor. If the supervisor is part of the complaint it would then escalate to the Executive Director. If the Executive Director is part of the situation it would go to the Board President. Violations should be documented in writing by the individual receiving the notification or by the individual notifying MCT, whichever is appropriate in the situation. All complaints should be immediately reported to the Executive Director who would then notify the Executive Committee. The exception would be in situations where one of those individuals were involved in the complaint. The Executive Committee would make the determination on action required and would be strongly encouraged to seek outside counsel advice. MCT will conduct adequate investigation of the allegation before any final decision is made in instances where there is a factual dispute.
9. The Theatre can respond to specific instances and allegations of harassment only if it is aware of them. The Theatre therefore encourages anyone who believes that they have experienced sexual harassment to come promptly forward (typically within 30 calendar days) with inquiries, reports or complaints and to seek assistance from the immediate supervisor of the area they are working in. In addition, any MCT employee who becomes aware of instances or allegations of

sexual harassment by or against a person under their supervisory authority must report them to their own supervisor. It shall be the responsibility of the Executive Director and Executive Committee to respond to allegations and reports of sexual harassment.

10. Any Board Member who becomes aware of information indicating a significant likelihood of sexual harassment must report such information to the Executive Director and Executive Committee. Both parties must respond not only when they receive a specific complaint or report alleging improper activity, but also when such matters come to their attention informally. Unconfirmed or disputed allegations should be clearly labeled as such and reports should indicate any steps already taken to respond. Immediate supervisors should consult with the Executive Director who will then inform the Executive Committee prior to responding to any situation involving alleged harassment.

11. Possible sanctions for a person found engaging in behavior which is in violation of this policy include but are not limited to the following:

- 11.1 oral or written reprimand, placed in personnel file;
- 11.2 required attendance at a sexual harassment sensitivity program;
- 11.3 an apology to the victim;
- 11.4 loss of salary or benefit, such as sabbatical or research or travel funding;
- 11.5 transfer or change of job, class or residential assignment or location (i.e., removing the person from being in a position to retaliate or further harass the victim);
- 11.6 demotion;
- 11.7 suspension, probation, termination, dismissal or expulsion.

While counseling is not considered a sanction, it may be offered or required in combination with sanctions. Where alcohol/drugs are involved in the sexual harassment, such counseling may include a substance abuse program.

12. The Theatre seeks to protect the rights of all persons, accusers and accused, to fair procedures. Accusations of sexual harassment frequently have injurious, far-reaching effects on the careers and lives of accused individuals. Allegations of sexual harassment must be made in good faith and not out of malice. Knowingly making a false or frivolous allegation of sexual harassment will be considered a serious violation of MCT policy.

*I have read and agree to adhere to the Sexual Harassment Policy of Muncie Civic Theatre. I understand that I am part of the solution.*

*Name:* \_\_\_\_\_

*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_

**MCT Only**

Received by MCT on \_\_\_\_\_ ; \_\_\_\_\_  
(date) (signature)