

Anti-Harassment Policy

Objective

Kansas City Public Theatre (KCPublic) strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of every project should be characterized by mutual respect and the absence of intimidation, oppression, and harassment. *KCPublic* will not tolerate discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, board members, volunteers, and contractors (heretofore referred to as “collaborators”), *KCPublic* will seek to prevent, correct, and discipline behavior that violates this policy.

All collaborators, regardless of their position, are protected 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 any collaborator who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or immediate and/or permanent removal from any and all *KCPublic* projects including the *KCPublic* Board of Directors and all committees therein.

Any instances of intimidation, oppression, or harassment are to be reported to *KCPublic* even if reporting is done anonymously.

Prohibited Conduct Under This Policy

KCPublic, 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:

Discrimination

It is a violation of *KCPublic*'s policy to discriminate in the provision of paid or volunteer opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race (including hairstyle/texture), appearance, color, national origin, age, pregnancy, parental status, medical information, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status. The exception to this policy is when *KCPublic* is casting for a project which requires roles be played by collaborators of the protected classes listed above.

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 1967 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.

Harassment

KCPublic prohibits harassment of any kind, including sexual harassment, 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 which may threaten, intimidate, or coerce any collaborator or any person working for or on behalf of *KCPublic*.

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:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race (including hairstyle/texture), appearance, color, national origin, age, pregnancy, parental status, medical information, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes 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 (including hairstyle/texture), appearance, color, national origin, age, pregnancy, parental status, medical information, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status or other protected status.

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 *KCPublic's* anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome 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 decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

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

- Are made explicitly or implicitly a term or condition of participation.
- Are used as a basis for an participation decision.
- Unreasonably interferes with a collaborator's work performance or creates an intimidating, hostile or otherwise offensive environment.

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

- 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 or "kidding" that is

oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

- Nonverbal 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 toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, assault and forced sexual intercourse.

Statement on Difficult Subject Matter and Consent

While it is generally understood that the business of theatre may involve physical contact between individuals, simulated intimacy, discussion or performance of content of a sensitive nature (including national origin, race (including hairstyle/texture), appearance, color, national origin, age, pregnancy, parental status, medical information, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status) simulated violence, or other potentially upsetting circumstances, all efforts will be made to ensure that these circumstances are handled with great care and respect for all collaborators.

Affirmative Consent will be sought from all collaborators before engaging in any of the circumstances mentioned in the paragraph above, and may be withdrawn at any time.

Any individual who engages in behavior perceived as “pressuring” any collaborator into participating in an performance, conversation, or any other activity with which the “pressured” party is not comfortable will be subject to immediate investigation which may result in disciplinary action.

Retaliation

No hardship, loss of benefit, or penalty may be imposed on a collaborator in response to:

- Filing or responding to a credible complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a credible complaint will in no way be used against the collaborator or have an adverse impact on the individual's employment status, contract, or relationship with *KCPublic*. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment and/or permanent removal from any and all *KCPublic* projects including the *KCPublic* Board of Directors and all committees therein.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant will only be revealed to the

parties involved if necessary during an investigation, and the Investigations Committee will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files.

Non-Equity Deputy (NED)

The Goal The goal of the Non-Equity Deputy (NED) is to create a confidential and peer-level liaison and reporting channel between collaborators and *KCPublic*. The NED can serve as a reporting channel for an individual collaborator or the assembled group of collaborators on a project when confidentiality is required or requested, and may also serve (alongside the stage manager) as a first contact when a concern cannot be resolved by an individual.

Role and Responsibilities of the Non-Equity Deputy (NED)

- Become familiar with *KCPublic's* Anti-Harassment Policy and all procedures laid out herein.
- Help familiarize others with the Anti-Harassment Policy.
- Provide contact information and availability for consultation outside of rehearsal/performance space/hours.
- Serve as a liaison between the cast, crew, stage manager, and *KCPublic* for issues brought to attention by participants.
- Protect anonymity whenever possible.
- Report concerns, both their own and those reported by fellow collaborators, using the Reporting Procedure below, and communicate the resolution of such concerns to fellow collaborators as appropriate.
- Respond to concerns as quickly as possible (within 24 hours whenever possible).
- Commit with integrity and empathy to prioritize the safety and wellbeing of collaborators and discourage efforts (intentional or otherwise) to use the Anti-Harassment Policy to divide or create an atmosphere of "heroes and villains."
- Understand that their role is not to solve problems or act in a judiciary role, but serve as a confidential reporting channel and liaison.
- Understand that their role is one of service, and not a position of power or status.
- The NED should not override traditional roles of the SM, director, or any other member of the organization.
- The NED should never create divisions or marginalize collaborators.

Election of NED

- At First Rehearsal, the NED will be explained to the group and a vote will be held to determine if a NED can be elected immediately, or if more time and familiarity are needed before the selection is made. If the group is NOT ready to elect a NED at first rehearsal, a secret-ballot election will be held at the end of the first week.
- The secret-ballot election will be conducted by the Stage Manager. All collaborators willing to act as NED will volunteer, and be voted upon. Each collaborator will be asked to write the name of their choice on a slip of paper and pass that to the Stage Manager, who will announce the name of the elected NED once all collaborators have voted.

Reporting Procedure

KCPublic has established the following procedure for reporting harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

- 1) Any individual who believes they are experiencing or witnessing any kind of harassment should report it immediately to the Stage Manager, Non-Equity Deputy, or any of the parties listed at the end of this document. This may be done in person, in writing, by phone, text, or email.
- 2) Any person receiving a report of harassment will take detailed notes of the report and immediately contact the Investigations Committee to begin an investigation.
- 3) The safety and comfort of the complainant will be taken into account when deciding how to investigate and whether to remove either party from the circumstance.
- 4) The complainant, respondent, and any witnesses will be interviewed to determine the facts of the incident, and the severity of the behavior. Detailed notes will be taken by any person leading the investigation.
- 5) If it is determined that the reported harassment did occur, disciplinary action will be taken as decided by the Investigations Committee up to and including termination of employment and/or permanent removal from any and all KCPublic projects including the KCPublic Board of Directors and all committees therein.

NOTE: It is possible that the complainant will not want any investigation or disciplinary action to occur during a particular timeline (or ever), and may simply want their complaint recorded. In these instances, the wishes of the complainant will be honored unless or until the harassment continues. If more than one report is made about any individual during the course of any project, an investigation will immediately occur and appropriate action taken.

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 courts.

Sources:

[Anti-harassment Policy and Complaint Procedure \(includes Dating/Consensual Relationship Policy Provision\) \(shrm.org\)](https://www.shrm.org)

[not in our house chicago theatre community – making safe spaces to do dangerous work \(wordpress.com\)](https://www.wordpress.com)