

## Policy Against Harassment and Misconduct



### GENERAL POLICY OVERVIEW

Staten Island Shakespearean Theatre Company as an institution and each of its staff are seriously committed to maintaining a safe and supportive environment where creativity can flourish.

The following policy is in support of those goals and is in keeping with the values necessary to sustain a supportive and creative environment.

The Theater believes that with a combination of respect, communication, common sense and empathy, we can create an environment that prioritizes safety while also doing work of the highest quality.

It is the policy of the Theater to maintain a performing and working environment free from sexual, racial, ethnic, religious, age-based, disability, sexual orientation and gender expression harassment. Such harassment is expressly prohibited.

No individual should be subjected to any unwelcome conduct that is or should be known to be offensive because of gender, race, age, religion, ethnicity, disability, sexual orientation or gender identity and/or expression.

SIST is a private institution and performing or participating in any other SIST activity is always at the sole discretion of SIST.

SIST is within its rights to revoke, suspend and/or permanently ban anyone from participating in some or all SIST related activities, with or without cause. The reinstatement of any permission to participate in any Theater-related activity will be at the sole discretion of SIST.

Where forbidden harassment has occurred by staff, SIST may take disciplinary, or other corrective action. This may include but is not limited to termination of employment.

Reports of forbidden harassment by non-employees of SIST; for example, occasional or regular performers, may result in disciplinary or other corrective action.

Just as with other forms of misconduct, forbidden harassment may result in the loss of ability to perform at the Theater or Theater-related events, loss of compensation for time spent or revocation of ability to participate in any and/or all SIST activities.

When alleged harassment is reported, SIST may conduct an investigation, the extent, timing and scope of such investigation being at the sole discretion of SIST.

There will be no retaliation against an individual who has complained about or reported alleged forbidden harassment or who has cooperated with any investigation of alleged forbidden harassment, regardless of the outcome of the investigation.

SIST may, from time to time, revise this policy at its discretion without notice.

## **I. PROHIBITED CONDUCT**

For purposes of this Policy, forbidden harassment includes the following:

### **Quid Pro Quo Sexual Harassment**

Quid Pro Quo sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when (i) submission to such conduct is an explicit or implicit condition of employment, performance opportunity or other advancement or (ii) submission to or rejection of such conduct is used as the basis for employment, performance opportunity or advancement decisions.

All SIST staff are prohibited from making any offer or promise to any performer, employee, intern or any other person, any employment, performance opportunity or educational decision in exchange for or in anticipation of sexual or other favors.

Further, they must refuse any offer or promise of sexual or other favors by any employee, intern, or performer or in anticipation of or in exchange for some performance opportunity or other advancement.

### **Hostile Environment Harassment**

Hostile environment sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Also, non-sexual conduct that is unwelcome and offensive and which is directed at an individual because of the individual's gender may create a hostile environment.

Racial, age-based, religious, ethnic, disability, sexual orientation, gender identity and/or expression and other forbidden forms of harassment may occur when there is conduct which is motivated by or relates to an individual's race, age, religion, ethnicity, disability, sexual orientation, gender identity and/or expression or other characteristics protected by law. Hostile environment harassment occurs when such conduct is sufficiently severe or pervasive to and does: (i) unreasonably interfere with an individual's work, performance or ability to learn, or (ii) create an intimidating, hostile, or offensive work, performance or learning environment.

### **Performance and Harassment**

The Theater does not desire to police the comedic sensibilities or tastes of its performers or students.

Given the nature of performances at the Theater and in classes of material that, in some cases, could be considered offensive to some, it is not the policy of the Theater to punish individuals or to stifle the creative abilities of performers whose artistic expression may be considered offensive to others. However, if it is determined that the offensive content of the performance was done in an effort to harass a particular individual from the stage or to express the performer's hatred and/or intolerance to a protected individual or group, then, at the discretion of SIST, appropriate disciplinary action will occur.

### **Performer Misconduct Policy**

Disturbances, such as tardiness, cell phone use, inappropriate comments, creating an unsafe or hostile environment and other disrespectful or discourteous behavior will not be tolerated. Disruptive performers may be subject to corrective action based on the discretion of the instructor and/or SIST, including verbal admonishment, prohibition from certain behavior(s) or expulsion without stipend compensation.

### **Performer Misconduct Policy**

Being cast in an SIST show is a privilege. If through the process of an investigation, SIST concludes that harassment, including Cyber harassment or other misconduct has occurred, a performer may be terminated from the show without stipend compensation.

## **II. RESPONSIBILITIES**

The Theater's Policy prohibits harassment by SIST personnel, performers, instructors and interns against any person, as well as harassment directed towards Theater patrons, contractors, consultants, suppliers, vendors, visitors and other non-employees or non-Theater-affiliated individuals, when such conduct occurs at the Theater's premises in conjunction with Theater-related performances, rehearsals, classes or at

Theater-sponsored events at other locations in connection with performances or classes conducted by the Theater at such other locations.

The Theater will make reasonable efforts to ensure that the actions of its instructors, employees, staff, and interns are free from forbidden harassment. When it is notified of such forbidden harassment, SIST will, at its sole discretion, take appropriate corrective action.

Staff will report to SIST management any forbidden harassment that they observe. Staff will assure Theater personnel, interns, performers and students as necessary that all forms of forbidden harassment are expressly prohibited.

### **Consensual Relationships and Dating**

The nature of the work we do encourages connection, collaboration, and community. Relationships, and even marriage and families, have grown from the social connections made at SIST. This policy is not intended to prevent the development of mature adult relationships.

However, it is within the Theater's jurisdiction to prohibit certain specific relationships through this policy. SIST has a strong commitment to creating an environment that serves the community by providing a safe place to create, collaborate and come together.

## **III. PROCEDURES**

### **Making Complaints of Harassment**

Actors: Any actors who feel subjected to forbidden harassment may report or otherwise notify their EOO director. If any reporting actors do not feel comfortable notifying their instructors, they may notify the Artistic Director or any member of the Board.

### **Investigation**

SIST is not a criminal justice or law enforcement agency, however, the Theater takes allegations of misconduct very seriously. SIST may, at the discretion of the Theater, investigate complaints of misconduct. The timing, scope, and extent of any investigation SIST chooses to conduct will be determined at the sole discretion of the Theater on a case-by-case basis, and may be informed by certain criteria, including but not limited to: the severity of the allegation, the urgency of the situation and the resources available.

### **Special Note On Reported Criminal Activity**

If any Theater-affiliated person is accused by anyone of criminal activity that, in the judgment of the Theater rises to a level beyond harassment as described above, and, in the judgment of the Theater, places in doubt the safety of the Theater's performers, staff, team members, directors, vendors or patrons, then the accused will be immediately and without investigation removed from all Theater-related activities until such time as the Theater is satisfied that the accusations are and were unfounded. Such a determination will be at the sole discretion of the Theater. Should any violators appear at any Theater-related activities or venues following this removal, they will be considered to be trespassers on private property and the Theater will utilize law enforcement authorities to remove them from Theater property. This revocation of Theater privileges will not be influenced by the failure of the complainant to involve law enforcement, or the failure of law enforcement authorities to investigate, charge or convict the violator with a crime. Any reinstatement of any permission to participate in any Theater-related activity will be at the sole discretion of SIST.

### **Notification**

It is within the Theater's right to revoke privileges or permission to participate in any or all Theater related activities with or without cause. SIST, at its sole discretion, may make notifications to the complainant and/or violator, the scope, and detail of which will be determined by at the sole discretion of the Theater.

If a person makes a knowingly false or frivolous complaint, fabricates facts, or fails to tell the truth, the Theater may take appropriate disciplinary and/or other corrective action.

## **IV. NO RETALIATION**

No individual who reports or complains about forbidden harassment, or who assists the Theater in its investigation, will be subjected to retaliation by the Theater or any of its employees or agents. Any individuals who feel that they have been the victim of or threatened with retaliation should immediately inform one of the individuals identified above for the purposes of receiving reports of complaints. Any employee, agent, or performer who retaliates against a person who reports or complains, or who assists the Theater with an investigation, shall be deemed to have violated this misconduct policy and to have engaged in forbidden harassment.