

Boston Theater Company - Sexual Harassment Policy

Harassment

Boston Theater Company is proud of its policy of maintaining a work environment that encourages respect for the dignity of each individual, therefore, we endeavor to maintain a work environment free from unlawful harassment, as defined below. Harassment is prohibited, whether in or outside the rehearsal room, during or after performances or at Boston Theater Company sponsored social or non-social functions, events or programs. Should such Harassment occur, Boston Theater Company will address the harassment to prevent its continuation or reoccurrence. In addition, we will endeavor to prevent the harassment of its employees and independent contractors by persons who are not employees/independent contractors, but who share our spaces or who have a business or other relationship with Boston Theater Company. Harassment is unlawful, and anyone found to have engaged in harassment will be subject to disciplinary action, up to and including termination of employment/contract. Boston Theater Company has zero tolerance for harassment.

Definitions "Harassment" is defined as any type of conduct based on an employee's protected class (sex, sexual orientation, race, color, religious creed, national origin, ancestry, age, military status, genetic information, disability, or any other category protected by applicable federal, state, or local law), including conduct intended to be friendly or humorous, that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a work environment that is intimidating, hostile, offensive, or coercive to a reasonable person. Harassment includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of their sex, sexual orientation, race, color, religious creed, national origin, ancestry, age and disability, including materials or comments intended as humor. The use of Company facilities to disseminate, duplicate or display such materials is prohibited. Harassment includes Sexual Harassment, as defined below.

I. Sexual Harassment

It is the goal to promote a workplace that is free of sexual harassment. Sexual harassment occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. The Company includes all staff, volunteers, interns, contractors, guest artists, and board members under this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with.

Because we take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, awarding of contracts or fees, participation in internships or volunteer opportunities, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to workers of any gender or sex, may also constitute sexual harassment. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess
- Displaying sexually suggestive objects, pictures, cartoons
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experiences, and

- Discussion of one's sexual activities

All employees, volunteers, interns, guest artists, contractors, and board members should take special note that, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

III. Sexually explicit material and content in the workplace

In the course of our work we may encounter scenes or materials depicting sexual situations, violence, harassment, discrimination, and abuse. Presenting content that is explicit, disturbing, or offensive can carry a powerful charge and we do not limit the artistic expression of this content.

However, we do not condone, allow, or provide cover for inappropriate sexual conduct or harassment. It is a violation of our Harassment Policy to use the explicit material or content we occasionally present to provide cover for harassment or to enable the creation of a hostile or offensive workplace.

Working with explicit materials requires greater care to create a welcoming, respectful, encouraging, and empowering work environment even as we grapple with content that is hostile, offensive, intimidating, or humiliating.

Specifically, at Boston Theater Company:

- Auditions, rehearsals or performances of material containing sexual situations or nudity are always supervised by stage managers.
- We never ask actors to perform nude unless we inform them at or before hiring.
- We never work on material that is sexual or violent in nature in private, one-on-one situations.
- We don't do this work after hours, outside the theatre or rehearsal, in a private office, or in unsupervised dressing room or backstage areas. Anyone participating in this work may stop or pause to request a stage manager or staff member to supervise.
- We expect stage managers, directors, actors, administrators, and artists to communicate and work together to create a supportive and non-hostile work environment for working on explicit or disturbing content.
- When giving notes or critique about bodies, appearance, and sexual activity, desirability, deficiency, or prowess, we give notes only in reference to characters and situations in the material. We don't give notes or make comments about an individual's own physical appearance or sexual desirability.
- Explicit materials contained in scripts, video archives, sound or video media, or props are only used for work on a production or the The Company mission and programs. We never share, view, or show explicit material unless it is needed for our work.
- Our offices, event spaces, rehearsal rooms, theatres, and backstage areas are workplaces.

We put aside any relationships that are not professional while at work. We prohibit intimate or sexual relationships between subordinates and any individual in a superior role or position of authority.

- Gender Identity and sexual orientation shall not be used to make assumptions about ability, talent, skill level, or fitness for performing duties.
- Reports will be acknowledged within 24 hours and include information for the next step.
- Touch (by actors, directors, costume/wardrobe staff, etc.) will always be preceded by asking for consent.
- All employees will be held to the same standards of conduct. No one gets a “pass” because of age, donation amounts, reputation, marketability.

III. Complaints of Sexual Harassment

If any member of the company believes that they have been subjected to sexual harassment, that person has the right to file a complaint with Boston Theater Company and that complaint will be heard. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting:

- Your immediate supervisor, (name varies based on project and team member)

If you do not feel comfortable approaching your immediate supervisor or the General Manager complaints may be taken directly to:

- (name varies based on project and team member)

For direct contact information review form “Concern Resolution Path for BTC”

All are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

The line between acceptable social conduct and Harassment is not always clear. For that reason, Boston Theater Company encourages anyone who believes they are being harassed to communicate clearly to the offending party that the conduct is offensive, intimidating or embarrassing, and to ask that the conduct stop. If the individual is uncomfortable with making such a direct approach to the offending party or has done so, but the perceived harassment has not stopped, then the next step is to file a complaint.

IV. Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. If needed a mutually agreed private space outside of our space may be used for interviews. We will also interview the person alleged to have committed sexual harassment. When we have completed our

investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, guests, board members or donors, vendors, or volunteers, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from contract or ending of business relationship, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

Massachusetts Commission Against Discrimination “MCAD”

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>

Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA 02108
(617) 994-6000

The US Equal Employment Opportunity Commission <https://www.eeoc.gov/>

U.S. Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Fed. Bldg.
Government Center, Room 475
Boston, MA 02203
(617) 565-3200

If you work out of Massachusetts, please refer to your local phone book for your local Equal Employment Opportunity Commission office or State Fair Employment Practices Office.

VII. Responsibility of Supervisors

All supervisors at Boston Theater Company have a duty to maintain a workplace free of Harassment, to assure that each individual under their supervision is aware of the our policy on Harassment and Harassment Resolution Procedure, and to assure such individuals that they need not endure insulting, degrading or exploitative treatment based on sex, sexual orientation, race,

color, religious creed, national origin, ancestry, age or disability. Any supervisor who learns of or suspects violations of this policy must promptly bring the matter to the attention of Board Member (name varies based on project.)

No Retaliation

It is against Boston Theater Company policy to retaliate against any employee, volunteer, intern, or contractor who makes a complaint in good faith about any matter addressed in this guidebook. Any form of retaliation that occurs in violation of this policy may result in disciplinary action, up to and including discharge.