

# **ARCADE COMEDY THEATER POLICY AGAINST HARASSMENT**

It is the policy of Arcade Comedy Theater (“the Theater”) to maintain a working, performing and learning environment free from sexual, racial, age-based, religious, ethnic, disability, sexual orientation, gender identity and/or expression, and any other form of forbidden harassment of any Theater personnel, intern, performer or student. Such harassment in any manner or form is expressly prohibited. It is also the policy of the Theater that no individual be subjected to any unwelcome conduct that is or should be known to be offensive because of his or her gender, race, age, religion, ethnicity, disability, sexual orientation, gender identity and/or expression, or other protected category.

The Theater recognizes that, as a comedy theater, the environment is not typical of all work places. The very work that we do can sometimes veer toward being “blue” or “R-rated,” and the atmosphere of the Theater community is social as well as professional. It is not the intention of the Theater to mimic an office environment. While this may require a more nuanced reading of social cues than the more clearly defined office environment, it is the hope of the Theater that with a combination of communication, common sense, respect, and empathy, the community can create an environment that prioritizes safety.

All reported or reasonably suspected occurrences of forbidden harassment will be investigated (in accordance with the procedures outlined below) in a confidential manner and as promptly and thoroughly as is practicable and necessary. Where forbidden harassment has occurred, the Theater will take appropriate disciplinary, educational, or other corrective action, up to and including termination from a position or team membership at the Theater, the loss of ability to perform at the Theater or Theater-related events or the immediate revocation of a student’s ability to perform internship duties and/or take classes at the Theater without compensation for time spent or refund of tuition paid.

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

## I. CONDUCT PROHIBITED BY THE POLICY

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

***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 or policy. 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.

***"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 ability or student advancement, or (ii) submission to or rejection of such conduct is used as the basis for employment, performance, or educational advancement decisions.

### ***Special Note On Civility and Professionalism***

*The Theater believes the best way to avoid situations that may be construed as harassment is for all Theater personnel, performers, and students to treat each other in a respectful and professional manner. The Theater may, in the future, offer insights or guidelines on creating an environment of civility, but ultimately, respect is at the core of this philosophy.*

### ***Special Note On Consensual Banter / Private Conversations***

*Theater personnel, performers and students are expected to be sensitive to the fact that the content of private conversations, though not offensive to the parties involved, may be offensive to others if overheard; and such parties will be held accountable if appropriate safeguards are not taken and the overheard conversation is found to create a hostile environment.*

### ***Special Note On Performance Harassment***

*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 appropriate disciplinary action may and will occur. Additionally, if it is determined that an individual performers or group of performers is pervasively offensive or harassing in their performances, disciplinary or corrective action may and will occur. Furthermore, if it is determined that behavior that was done without intent to harass but has nevertheless caused discomfort, fear, or other feelings of harassment in members of the community or audience, this behavior (at the time it is identified to leadership of the Theater) will be pointed out to the performer or performers responsible. If the identified behavior is not remedied, corrective action may and will occur.*

## **II. RESPONSIBILITIES**

The Theater's Policy prohibits harassment by Theater personnel, performers, faculty and students 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, performances, rehearsals, classes or Theater-affiliated events at remote locations in connection with Theater activities or the performance of the Theater's work.

The Theater will make reasonable efforts to see that the actions of its agents, supervisory employees, coaches, and Academy faculty are free from forbidden harassment, and will take appropriate corrective action when it learns of such forbidden harassment. The Theater will also take appropriate corrective action in those instances where it, its agents, supervisory employees and Academy faculty learn of forbidden harassment of any Theater personnel, intern, performer or student.

All levels of Theater management, supervisory employees, coaches and/or Academy faculty will:

- Reject any offer or promise of sexual or other favors made by any employee, intern, performer or student in anticipation of or in exchange for some employment, performance, or educational decision and at the same time advise such employee, intern, performer or student that such an exchange violates Theater policy and will not be tolerated.

- Avoid forbidden harassment, including the appearance of such harassment, by refraining from actions, language, and jokes, and by disposing of materials such as posters or magazines which could reasonably be anticipated to offend an employee, intern, performer or student.
- Report to Theater management, in accordance with the procedures set forth below, any forbidden harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.
- Assure Theater personnel, interns, performers and students as necessary that all forms of harassment are expressly prohibited, that the Theater will investigate reported and suspected occurrences of forbidden harassment, and that the Theater will take appropriate corrective action when forbidden harassment is found to have occurred.

### **III. PROCEDURES**

#### NOTIFICATION PROCEDURES

Any Theater personnel, intern, performer or student who feels that he or she is being or has been subjected to forbidden harassment or who knows of or suspects the occurrence of forbidden harassment should promptly and in confidence inform either the house manager on duty at the Theater, their team coach, or their class teacher. If for any reason a person does not feel comfortable informing one of these individuals, or is not able to do so, that person should report the matter to any Creative Director of the Theater (Abby Fudor, Jeff "Jethro" Nolen, Kristy Nolen or Michael Rubino) or any member of the Arcade Leaderboard listed on the Leaderboard sign in the lobby of the Theater. A person may also contact the Arcade Comedy Theater Board of Directors if neither the Leaderboard nor the Creative Directors are an appropriate recourse; a list of the Board of Directors can be found on the Arcade website. In addition, and while not mandatory, the Theater encourages Theater personnel, interns, performers and students to advise the person engaging in the offensive conduct that the conduct is offensive and should be stopped.

In addition, all house managers, team coaches, Academy faculty and Leaderboard members have an affirmative duty to report promptly to one of the Creative Directors designated above any forbidden harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.

## DIRECT DISCUSSION

A member of the Arcade community may feel that the best course of action is to address offending behavior directly to the person responsible without immediately including Theater leadership (though they may be subsequently included at any time). The Theater supports this at the discretion of the community member and only when the community member does not feel that their safety or professional standing is in jeopardy. The Theater emphasizes that it is imperative that the individual receiving this feedback maintain a respectful discourse. Retaliation or otherwise lashing out in any way is not acceptable behavior. The person receiving feedback may request the inclusion of Arcade Comedy Theater leadership if they disagree with the feedback or believe it is unfair. The Theater encourages all community members to be open to receiving challenging feedback.

## INVESTIGATION PROCEDURE

All reported occurrences of forbidden harassment will be investigated as promptly and thoroughly as is practicable and as is required under the circumstances. The individual who makes the report or is the target of the alleged harassment will be assured that all forms of forbidden harassment are expressly prohibited, that the Theater will conduct a confidential investigation, and that the Theater will take appropriate corrective action if forbidden harassment is found to have occurred.

The Theater will designate the individual who will be responsible for conducting the investigation of the reported incidents of harassment. The timing, scope, and extent of the investigation will be determined by the Theater on a case-by-case basis, considering the circumstances of the alleged harassment. All investigations will be conducted to protect, as much as practicable, the privacy of all persons concerned. The Theater expects Theater Creative Directors, personnel, interns, coaches, house managers, house team members, performers, Leaderboard members, Academy faculty and Academy students who are contacted in connection with an investigation to cooperate fully.

Pending the outcome of an investigation, reasonably necessary and prudent interim measures, such as the separation of the complainant and the alleged offender, suspension from Theater activities for the alleged offender, or temporary leave for the complainant, will be taken at the Theater's discretion, taking into consideration the complainant's wishes, the seriousness of the accusations, the background of the situation, and any other relevant information.

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

*If any Theater-affiliated person is accused by anyone of criminal activity that, in the eyes of the Theater arises to a level beyond mere harassment as described above, and, in the judgment of the Theater, places in doubt the safety of the Theater's students, performers, faculty, 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. Should the accused appear at any Theater-related activities or venues following this removal, they will be considered to be a trespasser on Theater property and the Theater will not hesitate to call authorities to remove the accused from Theater property. This revocation of Theater privileges will not be influenced by the failure of authorities to investigate or charge the accused with a crime. The reinstatement of the accused to any Theater-related activity or venue will be at the sole discretion of the Theater.*

### RESOLUTION AND OUTCOME OF INVESTIGATION

Following an investigation, the Theater will take such action that it deems necessary or appropriate under the circumstances –

**No Violation.** In the event that the investigation discloses insufficient grounds or basis to substantiate a violation of this Policy, all necessary parties will be so advised.

**Violation.** In the event that the investigation discloses a violation of this Policy, the Theater will communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary, educational, and/or other corrective action, up to and including termination, removal of an individual from an internship, removal of an individual from a supervisory, management or directorial position at the Theater, removal of an individual from a house team, removal of an individual from a coaching position, removal of an individual from a Leaderboard position, removal of an individual from an Academy faculty position, removal of an individual from an Academy class without refund or compensation, or revocation of a performer's ability to perform at or attend performances at the Theater or at a Theater-related event, will then be taken. The action taken will be reasonably calculated to prevent any further unacceptable conduct. It is within the Theater's discretion to determine the appropriate corrective action.

If the complainant or the alleged offender is not satisfied with the resolution, he or she is encouraged to contact any Creative Director of the Theater. In the event an investigation of a reported or suspected occurrence of forbidden harassment reveals that the person has lodged a knowingly false or frivolous complaint, fabricated facts, or failed 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. Anyone who feels that he or she has 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.

#### **ARCADE COMEDY THEATER**

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