

Mississippi Theatre Association Harassment and Discrimination Policy

Objective

Mississippi Theatre Association (MTA) strives to create and maintain an environment in which people are treated with dignity, decency and respect, characterized by mutual trust and the absence of intimidation, oppression and exploitation. MTA will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, volunteers and board members, MTA seeks to prevent, correct and discipline behavior that violates this policy.

All employees, volunteers, and board members are covered 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 person who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

Persons who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to the President of the Board of Directors or the Executive Director of MTA, are in violation of this policy and subject to discipline.

Prohibited Conduct Under This Policy

MTA, 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 MTA's policy to discriminate in the provision of employment 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, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

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 1964, the Age Discrimination Act of 1975 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

MTA 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 designed to threaten, intimidate or coerce an employee, board member, volunteer, or any person working for or on behalf of MTA.

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, color, religion, gender, sexual orientation, age, body, disability or appearance, 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, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under MTA'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:

- Is made explicitly or implicitly a term or condition of employment or inclusion in the organization.
- Is used as a basis for an employment decision, assignment of duties, or advancement within the organization.
- Unreasonably interferes with an employee'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, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between individuals that are acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee, board member, or volunteer in response to:

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

Lodging a bona fide complaint will in no way be used against a person or have an adverse impact on the individual's position in the organization. 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.

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 is

usually revealed to the parties involved during the investigation, and the Executive Director or Board President 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 held by the Board President.

Complaint procedure

MTA has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The organization will treat all aspects of the procedure confidentially to the extent reasonably possible. The position of investigator may be the Board President, the Executive Director, or a non-biased person trained in harassment investigations appointed by the Board President. If the respondent is the Board President, the Executive Director will perform the duties listed for the Board President below.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing, to the Board President. In the event a complainant refuses to provide information in writing, the investigator may dictate a verbal complaint.
2. Upon receiving a complaint or being advised that violation of this policy may be occurring, the investigator will review the complaint with MTA's legal counsel.
3. The investigator will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. The investigator will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
5. Upon conclusion of an investigation, the investigator will submit a written report of his or her findings to the Board President. If it is determined that a violation of this policy has occurred, the Board President will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - a) the severity, frequency and pervasiveness of the conduct;
 - b) prior complaints made by the complainant;
 - c) prior complaints made against the respondent; and
 - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Board President may recommend appropriate preventive action.

6. The Board President will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the Executive Director or other board members as appropriate, and decide what action, if any, will be taken.

7. Once a final decision is made, the Board President will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

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.