

The Muni is committed to maintaining an environment free of harassment, sexual or otherwise and any form of coercion that diminishes the dignity of its employees and volunteers. It recognizes that such an environment facilitates healthy relationships among its employees and volunteers and maintains good working conditions. The Muni does not tolerate harassment.

This policy is intended to create guidelines and procedures for the investigation of harassment complaints and for the subsequent discipline of those persons found guilty of harassment. Nothing in this policy is to be construed as to limit or impair the Muni from taking immediate disciplinary action, or other necessary means, in order to remedy circumstances, which may pose a threat to the health, safety and welfare of any person.

Harassment will not be tolerated in the Muni environment. The Muni environment includes rehearsals, performances, work days or other work or social events performed at the theater site, board or committee functions or other functions where the person is performing work on the Muni's behalf.

Sexual Harassment Policy

For the purposes of this policy, sexual harassment includes any type of sexually oriented misconduct that is unwelcome, inappropriate and which is personally intimidating, hostile, or offensive. Sexual harassment may be defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's involvement with the Muni;

Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual; or

Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile or offensive environment.

The fact that a person does not openly object to others actions or words does not prove it was welcome. Sexual harassment may occur even if the individual originally remains silent or fails to show disapproval. Acts and statements that may not offend some people may be highly offensive to others. Therefore, persons should be sensitive to the feelings and beliefs of other persons.

Sexual harassment is not limited to any "class" or "level" of Muni participants and may be directed against a particular person, persons, or group. Both males and females may be victims of sexual harassment. There is a broad range of conduct by persons which can, in certain circumstances, be considered sexual harassment. Examples of sexually harassing conduct include, but are not limited to:

Verbal: Sexually suggestive or offensive remarks or innuendoes, insults, rumors and jokes about sex, anatomy or gender-specific traits; subtle or direct propositions or pressure for sexual favors; unwelcome flirting; threats; repeated requests for dates; statements about other persons, even outside their presence, of a sexual nature; and all statements that demean women or men.

Non-Verbal: Also prohibited in the Muni environment are nude and semi-nude pictures, sexually oriented magazines, posters or photographs, sexually offensive cartoons, and other words or pictures of a sexually suggestive nature. Sexually suggestive or insulting sounds, such as whistling, leering, obscene gestures, sexually suggestive bodily gestures, catcalls, smacking, kissing noises.

Physical: Touching another person in a sexually suggestive way; touching another so as to invade their personal space; intentional touching of others breasts, genital area, or derrieres; intentionally positioning oneself so as to inappropriately view another's body; unwelcome hugging, kissing, pinching, or rubbing the body; coerced sexual intercourse; and actual assault.

A harasser may be a male harassing a female, a female harassing a male, a male harassing a male, or a female harassing a female, just as long as the harassment is sexually-based or because of the gender of the person.

Reporting Requirements

Any employee or volunteer who feels subjected to harassment or has knowledge of harassing conduct within the Muni environment is encouraged to report such conduct to one of the individuals below:

1. Muni Investigation Officer;
2. The Director or Assistant Director of the Muni production if the harassing conduct is conducted in relation to a Muni production; or
3. Any member of the Muni Board of Managers.

Because of the nature of their position, Muni Trustees, Board of Managers members, production Directors and their staffs, have an obligation to be especially vigilant in eliminating sexual harassment in the Muni environment. Any of these persons, who are aware of or reasonably should be aware of harassing conduct by a Muni employee or volunteer, whether or not anyone complains about such harassment, is required to:

- 1 Offer to assist the person; and
- 2 Inform the person or employee of the right to file a complaint; and finally

3 Promptly advise the Muni Investigation Officer of the report of alleged harassment.

Confidentiality. The Muni Investigation Officer will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. It may be necessary to continue with an investigation on behalf of the complainant even though a complainant may not wish to proceed.

The Muni Investigation Officer shall be the President of the Muni Board of Managers or other person appointed by the President.

Complaint Investigation Procedure

Purpose. In accordance with the statement of policy outlined above, the Muni affirms its commitment to an environment free of sexual harassment through the implementation of a Complaint Investigation Procedure to promote the resolution of alleged harassment.

Procedures. The Muni Investigation Officer will promptly and discreetly investigate all complaints of sexual harassment. If harassment is found to exist, appropriate and swift disciplinary action shall be taken.

A. Reporting

An individual who believes he or she has been subjected to harassment should report the incident to one of the individuals listed above, who will:

- 1 Fill out the Harassment Complaint Form to clearly record the date, nature, and other pertinent information of the complaint; and
- 2 Immediately refer the form to the Muni Investigation Officer for investigation.

B. Intake Screening

Once notified, the Muni Investigation Officer will interview the complainant and review all information contained on the Form. The Muni Investigation Officer shall review the form to determine the initial timeliness, validity, and thoroughness of the information submitted in the complaint and will begin an investigation.

C. Investigation

The Muni Investigation Officer shall notify the alleged harasser of the complaint and interview the alleged harasser within five (5) working days of its receipt. The alleged harasser will be given the opportunity to provide a written statement regarding the alleged conduct. Any other person who may have information regarding the alleged misconduct may be

interviewed on the subject. The Muni Investigation Officer will verify information with all pertinent personnel in order to document the merits of the harassment charge.

D. Report

The Muni Investigation Officer shall prepare a written report to the Muni Personnel Committee, which shall consist of no fewer than three people, within ten (10) working days of his or her notification of the suspected harassment unless extenuating circumstances prevent him or her from doing so. The report shall include a recommendation of whether that harassment occurred, harassment did not occur, or there is inconclusive evidence as to whether harassment occurred. In the event the complaint is dismissed by the Personnel Committee, a copy of that report and the Personnel Committee's decision will be given to the complainant(s) who made the initial report, the individual(s) to whom the suspected harassment was directed, and the individual(s) suspected of the harassment. If the Personnel committee feels there is substantial evidence that harassment occurred, it shall submit a written report to the Muni Board of Managers with its findings and disciplinary recommendations. Within five (5) working days, the Muni Board of Managers shall initiate disciplinary measures, unless the complainant(s) and the suspected individual(s) both agree to the recommended discipline/sanction. In that case the proceeding is final. The Personnel Committee shall in that case file a written report in regards to their findings and the agreed discipline/sanction. The report shall be retained in the confidential file maintained by the President of the Muni Board of Managers as set out below.

E. Discipline/Sanctions

Prior to the institution of disciplinary measures by the Board of Managers both the complainant(s) and the individual(s) suspected of harassment shall have an opportunity to present written comments to the Board of Managers. These statements may contain comments regarding the facts, requested outcome and discipline/sanctions.

The Board of Managers shall have the ability to accept the disciplinary recommendation of the Personnel Committee, reject those recommendations or assess different discipline/sanctions based upon its review of the facts. Disciplinary actions will be taken against any Muni employee or volunteer found to have engaged in harassment of any Muni employee or volunteer in the Muni environment. The Muni Board of Managers reserves the right to apply any sanction or combination of sanctions, up to and including barring the offender from future involvement with the Muni, to deal with the offensive conduct. Sanction possibilities include, but are not limited to: referral to counseling (at the expense of the individual found to have committed sexual harassment); written reprimand; suspension from involvement in Muni productions; barring from future involvement in Muni productions; and referral to the criminal justice system. The extent of the sanctions may depend upon the length and conditions of the offender's involvement with the Muni. The Muni Board of Managers will take all steps to eliminate an offensive environment.

F. Appeals Process

If either party directly involved in a harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments within fifteen (15) days to the Muni Board of Trustees. The decision of the Board of Trustees shall be final.

G. Miscellaneous

1. Follow up. In the event that harassment has been found, after six (6) weeks and six (6) months, the Muni Investigation Officer will follow up with the complainant to determine whether the alleged harassment has recurred. If there has been recurrence or retaliation, appropriate sanctions will be levied.

2. Maintaining a Written Record of the Complaint. Written records will be maintained in a confidential file maintained by the President of the Muni Board of Managers for seven (7) years from the date of resolution unless new circumstances dictate that the file should be kept for a longer period.

3. Retaliation. Retaliation based on the filing of any harassment complaint is strictly prohibited. Any person who believes that he or she has been the subject of retaliation should file a complaint with the Muni Investigation Officer. Retaliation is a serious act of misconduct and will be subject to sanction, up to and including termination.

4. False Accusations. If during the course of or after the completion of an investigation there is a finding that the allegations of harassment came under false pretenses, the accuser will be subject to sanctions up to and including barring from future involvement with the Muni.

5. Annual Report. At the September meeting of the Board of Managers the Personnel Committee shall advise the Board of the number of complaints which were investigated during the preceding year and the numeric outcome of those investigations.

6. Notice of Policy. Muni will make a reasonable effort to advise all of its employees and volunteers of the existence of this policy. An announcement of the policy will be made at each production's initial rehearsal by the Muni President, the production's director, producer or stage manager. In addition, a notice of the existence of this policy will be posted in the Berchtold Building.

Sexual Harassment Complaint Form

<p>To be completed by complainant. Please print or type. If necessary, use additional pages. Return completed form to the Muni Investigation Officer.</p>	
<p>Complainants name:</p>	<p>Muni affiliation:</p>
<p>Telephone number:</p>	
<p>Date(s) harassment took place:</p>	
<p>Date harassment was reported and to whom:</p>	
<p>Please describe each of the alleged harassing practices or incidents. Include descriptions of behavior and dates for each incident. Include approximate dates if you do not have a specific recollection:</p>	

<p>Names and Muni affiliation of those who committed the alleged harassment:</p> <p>Name: _____</p> <p>Name: _____</p>	
<p>Please attach any supportive evidence of the alleged harassment described above. Have you attached such evidence? Yes ____ If yes, please explain below.</p> <p>No _____</p>	
<p>Have you notified a Muni affiliated person of the conduct described above? If so, please provide the date and description of any effort to resolve the complaint.</p>	
<p>Complainant's signature:</p>	<p>Today's date:</p>
<p>Muni Investigation Officer's signature:</p>	<p>Date received:</p>