

**OCALA CIVIC THEATRE**  
**ANTI-HARASSMENT, DISCRIMINATION, AND RETALIATION POLICY**  
**AND**  
**COMPLAINT PROCEDURE**

Ocala Civic Theatre strives to create and maintain a work environment in which people are treated with dignity, decency and respect. Employees and volunteers should be able to work and learn in a safe, yet stimulating atmosphere.

Ocala Civic Theatre will not tolerate discrimination or harassment of any kind based on race, sex, religion, national origin, age, disability, sexual orientation, gender identity, marital status, pregnancy or genetic information, or harassment based on opposition to discrimination or participation in complaint proceedings.

Ocala Civic Theatre will not tolerate retaliation against anyone who complains of harassment or who participates in an investigation. Through enforcement of this policy and by education of employees and volunteers, Ocala Civic Theatre will seek to prevent, correct and discipline behavior that violates this policy. All employees and volunteers, regardless of their positions, are covered by and are expected to comply with this policy and take appropriate measures to ensure that prohibited conduct does not occur.

Ocala Civic Theatre has a small staff of paid employees, and a large pool of volunteers. All of the policies set forth herein apply to everyone. However, Ocala Civic Theatre has a different relationship with its employees than it does with its volunteers. Volunteers will be held to the same strict standards outlined herein, but they cannot be fired for a violation. Accordingly, the remedies available to Ocala Civic Theatre for violations of the policies expressed herein will be different for employees and volunteers.

Appropriate disciplinary action will be taken against any employee or volunteer who violates this policy. Based upon the seriousness of the offense, disciplinary action for employees may include verbal or written reprimand, suspension or termination of employment. Volunteers may be reprimanded or banned from the theatre.

Nothing in this policy shall prevent any complainant from pursuing formal legal remedies or resolution through state or federal agencies or the courts.

**Prohibited Conduct Under This Policy**

**Discrimination**

It is a violation of this policy to discriminate in the provision of employment or volunteer opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment or volunteer opportunities if the basis

of that discriminatory treatment is, in whole or in part, the person's race, sex, religion, national origin, age, disability, sexual orientation, gender identity, marital status, pregnancy or genetic information, or other protected classes as may be adopted by federal or state law in the future.

### **Harassment**

Harassment, including sexual harassment, is prohibited by federal and state law. This policy prohibits harassment of any kind, and Ocala Civic Theatre will take appropriate action swiftly to address any violation of this policy. The definition of harassment is verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting (including racial and ethnic slurs) that, in the employee's or volunteer's opinion, impairs his or her ability to perform his or her job. Examples of harassment are:

Verbal: Comments that are demeaning, degrading, insulting, or are unwelcome regarding a person's race, sex, religion, national origin, age, disability, sexual orientation, gender identity, marital status, pregnancy or genetic information.

Nonverbal: Distribution, display or discussion of any written, electronic or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of race, sex, religion, national origin, age, disability, sexual orientation, gender identity, marital status, pregnancy or genetic information,

### **Sexual Harassment**

Title VII of the Civil Rights Act of 1964 establishes what is unlawful sexual harassment. Title VII does not apply to volunteers at Ocala Civic Theatre, but it is the policy of Ocala Civic Theatre to afford volunteers all of the protections provided in Title VII.

Pursuant to the Rules of the Equal Employment Opportunity Commission, it is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

1. Is made explicitly or implicitly a term or condition of employment;
2. Is used as a basis for an employment decision; or
3. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms. Normal, courteous, mutually respectful, pleasant, noncoercive

interactions between employees and volunteers, including men and women, that are acceptable to and welcomed by both parties, are not considered to be harassment, including sexual harassment.

Examples of conduct that may constitute sexual harassment are:

Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, or threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" including that which is sexually oriented and considered unwelcome by the recipient.

Nonverbal: The distribution, display or discussion of any written, electronic 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 and notes, facsimiles, email, photos, text messages, Internet postings, etc., that is sexual in nature.

Physical: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

There are basically two types of sexual harassment:

"Quid pro quo" harassment, where submission to harassment is used as the basis for employment or volunteering decisions. Employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her. The same applies to volunteers and the person who assigns volunteers to specific jobs.

"Hostile work environment," where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, volunteers or patrons of the theatre. Hostile environment harassment consists of talk of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, emails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

### **Consensual Sexual Relationships**

Ocala Civic Theatre strongly discourages romantic or sexual relationships between a management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) or between employees and volunteers because such relationships tend to create conflicts of interest or the appearance of such conflicts. In

addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee or volunteer. Moreover, given the uneven balance of power within such relationships, consent by the staff member or volunteer is suspect and may be viewed by others or, at a later date, by the staff member or volunteer him/herself as having been given as the result of coercion or intimidation. The atmosphere created by such appearance of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may suffer consequences consistent with this policy during or subsequent to the relationship.

If any Ocala Civic Theatre employee enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify one of the managers.

Employees of Ocala Civic Theatre are expressly prohibited from entering into a consensual relationship that is romantic or sexual in nature with a volunteer, without the express prior authorization of one of the theatre's managers, which will not be granted until the manager has had an opportunity to speak to the volunteer to confirm that the relationship is consensual.

Under no circumstances may an employee or adult volunteer enter into a relationship that is romantic or sexual in nature with a volunteer who is a minor.

### **Retaliation**

No hardship, no loss or benefit, and no penalty may be imposed on an employee or volunteer as punishment for: 1. Filing or responding to a bona fide complaint of discrimination or harassment; 2. Appearing as a witness in the investigation of a complaint; or 3. Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination for employees and banishment for volunteers.

### **The Complaint Process**

Ocala Civic Theatre encourages employees and volunteers to report harassment to management before it becomes severe or pervasive.

Any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action, and the registering of a complaint will in no way be used against the employee or volunteer nor will it have an adverse impact on the

individual's employment or volunteering status. While reporting such incidents might be a difficult personal experience, allowing harassment, discrimination or retaliation to continue will most certainly lead to less desirable outcomes. For that reason, employees and volunteers are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and prohibited, and therefore, will subject the filer to sanctions.

### **Confidentiality**

During the complaint process, while the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person regarding action by the office cannot be guaranteed in every instance, they will be protected to as great a degree as is possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of Ocala Civic Theatre's obligation to act upon the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by Ocala Civic Theatre and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

### **Complaint Procedure**

The following complaint procedure must be followed in order to address a complaint regarding harassment, discrimination or retaliation.

A person who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a written and signed complaint with either the Artistic Director or Business Development Director. If one of the named Directors is the subject of the complaint, that person may directly contact the theatre's lawyer, Garry D. Adel, Blanchard, Merriam, Adel, Kirkland & Green, P.A., Post Office Box 1869, Ocala, Florida 34478, (352) 732-7218.

Any employee or volunteer who personally observes or becomes aware of a violation of this policy, should report it in the same manner as provided above, even if they are not the subject of the harassment, discrimination, or retaliation.

Upon receipt of a complaint, Ocala Civic Theatre will conduct a prompt, thorough, and impartial investigation. The person against whom the complaint has been made will have no direct or indirect control over the investigation.

Ocala Civic Theatre will interview the employee or volunteer who complained of harassment, the person alleged to have harassed, discriminated, or retaliated, and others who could reasonably be expected to have relevant information.

During the investigation, Ocala Civic Theatre will make sure that the harassment, discrimination or retaliation does not continue. If the parties have to be separated, then the separation will not burden the employee or volunteer who has made a complaint.

I have either been provided a copy of this policy, or been given an opportunity to review it, and I understand the complaint procedure.

\_\_\_\_\_  
Signature-Employee/Volunteer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name