

## **EPAC POLICY AGAINST HARASSMENT AND DISCRIMINATION**

### GENERAL POLICY OVERVIEW

EPAC as an institution and each of its instructors, creative and administrative managers, staff members, and interns are very seriously committed to maintaining a safe and inclusive environment where supporting creativity can flourish.

The greater EPAC community is here to learn, perform, inspire each other, build careers, foster friendships and make our lives better through an infinitely rewarding art form. The following policy is in support of those goals and is in keeping with the values necessary to sustain a supportive educational and creative environment.

The Endicott Performing Arts Center believes that with a combination of respect, communication, common sense and empathy, the local arts community can create an environment that prioritizes safety and inclusion while also doing work of the highest quality.

It is the policy of EPAC to maintain an educational, performing and working environment free from sexual, racial, ethnic, religious, age-based, disability, sexual orientation and gender expression harassment and discrimination. Such misconduct is expressly prohibited.

No individual should be subjected to any unwelcome conduct that is or should be known to be offensive or discriminatory because of gender, race, age, religion, ethnicity, disability, sexual orientation or gender identity and/or expression.

EPAC is a private institution and performing, taking classes, or participating in any EPAC Program and/or activity is always at the sole discretion of EPAC.

EPAC is within its rights to revoke, suspend and/or permanently ban anyone from participating in some or all EPAC related activities, with or without cause.

Current or prior permission to take classes, perform or enter any EPAC location is not a promise or guarantee of future permission.

The reinstatement of any permission to participate in any Theater-related activity will be at the sole discretion of EPAC.

Where misconduct has occurred by an employee, EPAC may take disciplinary, educational or other corrective action. This may include but is not limited to termination of employment.

Reports of misconduct by non-employees of EPAC, for example, students, occasional or regular performers, may result in disciplinary, educational or other corrective action.

Just as with other forms of misconduct, discrimination and harassment may result in expulsion from classes without refund and prohibition from future enrollment, revocation of membership at the Theater, the loss of ability to perform at the Theater or Theater-related events, loss of internship

without compensation for time spent or refund of tuition paid, revocation of ability to participate in any and/or all EPAC activities and prohibition of entry to the Theater or Training Center locations.

When alleged misconduct is reported, EPAC may conduct an investigation, the extent, timing and scope of such investigation being at the sole discretion of EPAC.

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

EPAC may, from time to time, revise this policy at its discretion without notice.

## **I. PROHIBITED CONDUCT**

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

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

All EPAC instructors, employees, creative and administrative managers, interns, and agents are prohibited from making any offer or promise to any student, performer, employee, intern or any other person, any employment, performance opportunity or educational decision in exchange for or in anticipation of sexual or other favors. Further, they must refuse any offer or promise of sexual or other favors by any employee, intern, performer or student in anticipation of or in exchange for some employment, performance opportunity or educational decision.

### **Hostile Environment Harassment and Discrimination**

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. 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.

### **Performance and Student Harassment/Discrimination**

**The Theater does not desire to police the comedic sensibilities or tastes of its performers or students.**

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, at the discretion of EPAC, appropriate disciplinary action will occur.

#### Student Misconduct Policy

Students are required to be on-time to class and stay for the entire class period. Disturbances, such as tardiness, cell phone use, inappropriate comments, creating an unsafe or hostile environment and other disrespectful or discourteous behavior will not be tolerated. Disruptive students may be subject to corrective action based on the discretion of the instructor and/or EPAC, including verbal admonishment, prohibition from certain behavior(s) or expulsion without refund.

#### Instructor Misconduct Policy

EPAC Instructors (including but not limited to Kids Theater Workshops and the School of Performing Arts) should disclose any harassment or misconduct that they witness to the EPAC Artistic Director. While Instructors are not EPAC Employees, they are leaders in our artistic community; as such Instructors must maintain a safe environment both in and out of the rehearsal room. Failure to report an instance of misconduct or harassment can result in a suspension of coaching privileges from EPAC, or other EPAC Programs. If appropriate, other disciplinary actions may be taken against the instructor for failure to maintain and support a safe environment. If a performer from an EPAC affiliated program has concerns relating to misconduct or harassment, they are strongly encouraged to speak with the Artistic Director and/or the School Director. When allegations of harassment are reported, EPAC may conduct an investigation with the extent, timing and scope of such an investigation being at the sole discretion of EPAC.

#### Performer Misconduct Policy

**Being cast in an EPAC Repertory Company or a Kids Theater Workshop show is a privilege.**

If through the process of an investigation, EPAC concludes that harassment, including Cyber harassment or other misconduct has occurred, a performer may be suspended or removed from a cast. Other disciplinary action may also be enforced.

## II. RESPONSIBILITIES

The Theater's Policy prohibits harassment and discrimination by EPAC personnel, performers, instructors and interns against any person, as well as harassment and discrimination 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 in conjunction with Theater-related performances, rehearsals, classes or at Theater-sponsored events at other locations in connection with performances or classes conducted by the Theater at such other locations.

The EPAC Theater will make reasonable efforts to ensure that the actions of its instructors, employees, staff, and interns are free from discrimination and harassment. When it is notified of such misconduct, EPAC will, at its sole discretion, take appropriate corrective action.

EPAC Employees will report to EPAC management any misconduct that they observe.

EPAC Employees will assure Theater personnel, interns, performers and students as necessary that all forms of misconduct are expressly prohibited.

### Consensual Relationships and Dating

The nature of the work we do encourages connection, collaboration, and community. Relationships, and even marriage and families, have grown from the social connections made at EPAC. This policy is not intended to prevent the development of mature adult relationships.

However, it is within EPAC's jurisdiction to prohibit certain specific relationships through this policy. EPAC has a strong commitment to creating an educational environment that serves students by providing a safe place to study and grow. In support of this, it is the policy of EPAC that all instructors are prohibited from having any sexual relationship with a current student. Engaging in such activity is grounds for termination

With regard to any sexual relationship between any EPAC instructor and any student who is not currently enrolled in that instructor's class, instructors are strongly discouraged from engaging in any such relationship. Any instructor who engages in a physical relationship with a current student not enrolled in that instructor's class, must disclose the relationship to the School Director at the earliest practicable time or may be subject to disciplinary action including termination. EPAC also reserves the right, even if the instructor properly and promptly makes all required disclosures, to take disciplinary action at its discretion. This organization expects its instructors to demonstrate mature judgment, ethical and honest behavior, and to represent EPAC as a role model both in the classroom, on stage, and in social situations throughout the larger community.

### **III. PROCEDURES**

#### **Making Complaints of Harassment or Discrimination**

**Students:** Any students who feel subjected to forbidden misconduct may report or otherwise notify their instructors. If any reporting students do not feel comfortable notifying their instructors, they may notify the Endicott Performing Arts Center School Director.

**Performers:** Any performers who feel subjected to forbidden misconduct, may report or otherwise notify the EPAC Artistic Director. If any performers do not feel comfortable notifying the Artistic Director, they may notify any EPAC supervisory employee of their choosing. All EPAC supervisory employees will accept complaints of harassment and/or discrimination.

If a person does not feel comfortable informing any of these individuals, or is not able to do so, that person is also invited to report a complaint to the EPAC Board of Directors, or local authorities.

**Employees:** Any EPAC employees or interns who feel subjected to forbidden misconduct, may report or otherwise notify their supervisors. If any employee or interns do not feel comfortable notifying their supervisor, they may notify any EPAC supervisory employee at their discretion. All Theater supervisory employees will accept a complaint of discrimination and/or harassment.

#### **Investigation**

EPAC is not a criminal justice or law enforcement agency, however, the Theater takes allegations of misconduct very seriously. EPAC may, at the discretion of the Theater, investigate complaints of misconduct. The timing, scope, and extent of any investigation EPAC chooses to conduct will be determined at the sole discretion of EPAC on a case-by-case basis, and may be informed by certain criteria, including but not limited to: the severity of the allegation, the urgency of the situation and the resources available.

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

If any EPAC-affiliated person is accused by anyone of criminal activity that, in the judgment of the Theater rises to a level beyond 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 EPAC-related activities until such time as EPAC is satisfied that the accusations are and were unfounded. Such a determination will be at the sole discretion of EPAC. Should any violators appear at any EPAC-related activities or venues following this removal, they will be considered to be trespassers on private property and the Theater will utilize law enforcement authorities to remove them from Theater property. This revocation of Theater privileges will not be influenced by the failure of the complainant to involve law enforcement, or the failure of law enforcement authorities to investigate, charge or convict the violator with a crime. Any reinstatement of any permission to participate in any Theater-related activity will be at the sole discretion of EPAC.

## **Notification**

It is within EPAC's right to revoke privileges or permission to participate in any or all EPAC related activities with good cause. EPAC, at its sole discretion, may make notifications to the complainant and/or violator, the scope, and detail of which will be determined by at the sole discretion of EPAC.

If a person makes a knowingly false or frivolous complaint, fabricates facts, or fails to tell the truth, EPAC may take appropriate disciplinary and/or other corrective action.

## **IV. NO RETALIATION**

No individual who reports or complains about forbidden harassment, or who assists EPAC in its investigation, will be subjected to retaliation by the Theater or any of its employees or agents. Any individuals who feel that they have 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. Any employee, agent, instructor, student or performer who retaliates against a person who reports or complains, or who assists EPAC with an investigation, shall be deemed to have violated this misconduct policy and to have engaged in forbidden harassment and/or discrimination.