

**CAMPUS THEATRE / THEATRE DENTON  
EMPLOYEE SEXUAL MISCONDUCT POLICY**

**Application**

This policy applies to all THEATRE DENTON employees.

**Purpose and Definition**

THEATRE DENTON is committed to creating and maintaining a work environment free from sexual misconduct. "Sexual misconduct" is sexual harassment or any unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment.

"Sexual harassment" is defined by the federal Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

An aggregation of incidents can constitute sexual misconduct even if one of the incidents considered on its own would not be harassing.

The purpose of this policy is to prevent sexual misconduct, stop ongoing misconduct, prevent its recurrence, remedy its effects, and sanction individuals who violate this policy.

**Policy**

THEATRE DENTON will not tolerate any form of sexual misconduct. This is especially true when:

- a) submission to the misconduct is made implicitly or explicitly a term or condition of an individual's employment;
- b) submission to or rejection of the misconduct is used as the basis for determining personnel decisions;
- c) the misconduct has the purpose or effect of unreasonably interfering with an individual's work; or
- d) the misconduct creates an intimidating, hostile or offensive working.

An employee who feels that he or she is being subjected to misconduct prohibited by this policy should immediately inform the harasser that the conduct is unwelcome and must stop. If the inappropriate conduct does not cease or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to the Managing Director or to the President of THEATRE DENTON's Governing Board of Directors.

THEATRE DENTON will investigate reported violations of this policy. It will consider reasonable interim measures pending investigations and take appropriate and timely corrective action if it determines that misconduct occurred. Corrective action may include suspension or termination of employment.

This policy is NOT intended to interfere with an individual's right to report misconduct to law enforcement for investigation of a criminal offense.

### **Reporting**

Reports may be made in person, via email, by telephone, or in writing.

It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses. The following information will assist THEATRE DENTON in conducting a thorough investigation:

1. The name and position of the complainant;
2. The person or persons allegedly committing the misconduct ("the respondent");
3. A detailed description of the incident or incidents, including the dates, times, locations, and identities potential witnesses;
4. Any effect on the complainant's employment or ability to perform responsibilities;
5. The names of others who might have been subjected to similar misconduct;
6. Any prior steps taken to stop or mitigate the alleged misconduct; and
7. Any other information the complainant believes to be relevant.

THEATRE DENTON will take all complaints seriously.

THEATRE DENTON will receive anonymous complaints. However, making a complaint anonymously, failing to provide complete information, failing to accurately describe events, or making a complaint based on speculation, may cause an investigation to be difficult or impossible to pursue.

### **Retaliation Prohibited**

Reports of misconduct will not affect the complainant's employment.

Retaliation is strictly prohibited. "Retaliation" is any adverse action taken against a person for making a good faith report or participating in any proceeding under this policy. Retaliation includes threats, intimidation, harassment, or use of a position of authority to discourage participation in an investigation under this policy. Retaliation does not include good faith actions pursued in response to a complaint under this policy.

Retaliation is a form of misconduct prohibited by this policy without regard to whether an investigation results in a finding of sexual misconduct.

### **Investigation**

THEATRE DENTON's Managing Director will investigate all reports of employee sexual misconduct. The Managing Director may, but is not required, to seek the Governing Board's approval to retain an attorney or outside agency to investigate a complaint.

The Governing Board of Directors will retain an outside attorney or agency to investigate any complaint against the Managing Director or any Governing Board member.

Complaints will be kept as confidential as reasonably possible. The identities of parties and witnesses must normally be disclosed to the complainant, respondent, and witnesses involved. Third parties should only receive information to the extent necessary to enable a thorough investigation.

This Policy does not prevent THEATRE DENTON or any THEATRE DENTON employee from reporting potential criminal offenses to law enforcement authorities.

In performing its responsibilities, the Managing Director should:

1. Notify law enforcement if it appears that a criminal offense has been alleged;
2. Explain this policy to all parties and witnesses;
3. Implement interim measures reasonably necessary to separate and protect the parties pending the investigation;
4. Interview all witnesses; and
5. Explore an informal means of resolving the complaint.

### **Determination**

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for serious or repeated violations is termination of employment.

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law. Persons who violate this policy may also be subject to civil damages or criminal penalties.