

Bartell Theatre Anti-Harassment Policy

Purpose¹

Arts environments require risk-taking, courage, vulnerability, and investment of our physical, emotional, and intellectual selves. We seek to nurture spaces with strong safety nets that support that ethos without compromising a visceral and authentic experience for artists and audiences.

When creative environments are unsafe, both the artist and the art can become compromised. Spaces that prize “raw,” “violent,” and otherwise high-risk material can veer into unsafe territory if there are no procedures for prevention, communication, and when necessary, response. Too often, artists have been afraid to respond to abusive or unsafe practices, particularly where there is a power differential between the people involved. Artists have been afraid that speaking out will ruin a show or harm their reputations, and artists subjected to extreme abuse sometimes leave the craft, cutting their careers short. We believe that even in the absence of high-risk material, having pathways for response to unsafe conditions and harassment help to maintain the integrity of the work, its participants, and the organizations.

This document seeks to create awareness and systems that respect and protect the human in the art – to foster safe places to do dangerous things. It is meant to be flexible and to accommodate as many types and styles of theatre, organizations of diverse structures, budgets, and environments as possible.

The Wisconsin Equal Rights Division (ERD) and the Equal Employment Opportunity Commission (EEOC) are responsible for enforcing anti-discrimination laws, these laws reach only to "employment" situations, and not to the volunteer work so common in our local industry. Additionally, certain kinds of conduct can be harmful even though they are not technically unlawful. We seek to foster awareness of what artists should expect, and what companies can strive to provide in their spaces.

The Bartell Theatre, as an institution, and each of its board members, and Participating Theatre Companies (PTCs), are very seriously committed to maintaining a safe and supportive environment where creativity can flourish.

The Bartell 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 and support a safe, creative environment. The Bartell's mission is to ensure a safe space where people can create. Behavior that threatens that safe space will not be tolerated.

¹ Portions of this document were borrowed from a December 2017 document entitled "Chicago Theatre Standards," issued by a cooperative group of 20 Chicago theatre groups.

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The Bartell is committed to providing an environment free of discrimination, bullying, and harassment of any kind, where all individuals are treated with respect and dignity, can contribute fully, and have equal opportunities.

Every person has the right to be free from harassment and discrimination. Bullying (for any reason), harassment, or discrimination will not be tolerated, condoned, or ignored at the Bartell. If a claim of bullying, harassment, or discrimination is proven, disciplinary measures will be applied, up to and including termination of the relationship between the individual and the Bartell, removal from projects, or serving as a member of the board or on committees.

Prohibited Conduct Under This Policy

The Bartell, 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

The Bartell is an Equal Opportunity Employer and User of Volunteer Services, committed to a policy of equal opportunity for all employees, volunteers, and applicants. The Bartell is also committed to maintaining an environment in which everyone is treated with respect and dignity. It is our policy to seek the most qualified personnel for employment and volunteer opportunities, benefits, or privileges. It is a violation of our policy to create discriminatory work conditions or to use discriminatory evaluative standards in employment or volunteer work if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, ancestry, age, religion, disability, gender, sexual orientation, gender identity, arrest record, conviction record, military status, genetic information, or marital status.

Discrimination in employment may also be prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1975, the Americans with Disabilities Act of 1990, the Wisconsin Fair Employment Law or any other discriminatory basis prohibited by applicable local, state, and federal law.

Harassment

The Bartell prohibits harassment of any kind, including sexual harassment and bullying, 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 any cast member, production team member, board member, or any person working for or on behalf of The Bartell. Verbal taunting (including racial and ethnic slurs) that, in the employee's or volunteer's opinion, impairs the ability to perform the job, is included in the definition of harassment.

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The following examples of harassment are intended to be guidelines when determining whether there has been a violation of this policy. Harassment can be, but is not limited to, the following:

- **Verbal harassment** includes comments that are offensive or unwelcome regarding a person's nationality, ancestry, 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, ancestry, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status, arrest record, conviction record, 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 the Wisconsin Fair Employment Law and is prohibited under this 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."

There are two types of sexual harassment:

- "*Quid pro quo*" harassment, where submission to harassment is used as the basis for casting, membership, or employment decisions. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in *quid pro quo* harassment. Examples: A director promising a role to an actor, if the actor goes on a date with him; a producer threatening not to hire a member of the production team if that candidate does not have sex with her.
- "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the theatre, whether it be directors, other actors, or audience members. Hostile environment harassment consists of language of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the environment. Texts, e-mails, cartoons, or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

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

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- Is made explicitly or implicitly a term or condition of the employment, volunteer work, or casting.
- Is used as a basis for an employment, volunteer hire, or casting decision.
- Unreasonably interferes with 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 exhaustive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendos, 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 prohibited 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 and notes, facsimiles, e-mail, photos, text messages, social media, tweets, and Internet postings; or other form of communication that is 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 rape.
- Stalking, going through personal items of others, etc.

Courteous, mutually respectful, pleasant, noncoercive interactions between members of a cast, directing, or production team that are appropriate in the theatre context and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Sexual Harassment in a Theatrical Workplace

- In a theatrical context, harassment can also be defined as one or a series of comments or conduct of a gender-related or sexual nature outside the boundaries of consent or production content, which is known or reasonably ought to be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate. It is worth noting that the higher the emotional/sexual risk a production asks of its artists, the greater the diligence of each member of production and artistic staffs is needed to foster an environment of emotional safety.
- Sexual harassment includes but is not limited to:

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- Unwelcome remarks, jokes, innuendoes, or taunts about a person's body, attire, gender, or sexual orientation outside the boundaries of consent or production content;
- Negative stereotyping of race, gender, gender identity, religion, color, national origin, ancestry, marital status, sexual orientation, ability, or other status protected by law outside the boundaries of consent or production content;
- Any unwanted or inappropriate physical contact such as touching, kissing, massaging, patting, hugging, or pinching outside the boundaries of consent or production content;
- Unwelcome inquiries or comments about a person's sex life or sexual preference outside the boundaries of consent or production content;
- Leering, whistling, or other suggestive or insulting sounds outside the boundaries of consent or production content;
- Inappropriate comments about clothing, physical characteristics, or activities outside the boundaries of consent or production content;
- Posting or displaying materials, articles, or graffiti that is sexually oriented outside the boundaries of consent or production content;
- Requests or demands for sexual favors, especially those that include, or imply, promises of rewards for complying (e.g., job advancement opportunities) and/or threats of punishment for refusal (e.g., denial of job advancement or opportunities) outside the boundaries of consent or production content;
- Attempting to engage in sexual behaviors offstage that are choreographed for the stage;
- Suggesting an actor who appears naked onstage or in rehearsal is not allowed physical boundaries and/or privacy backstage or in the dressing room and/or not respecting those boundaries;
- Intentional failure to observe the dressing room standards laid out in this document;
- Inviting an actor to rehearse sexual content outside of scheduled rehearsals;
- Repeated invitation/suggestion to take relationships of a sexual nature beyond the stage;
- Using the text of a production that is sexual, violent, threatening, or offensive in offstage discourse;
- Improvising sexual content without express consent.

Retaliation

No hardship, loss, benefit, or penalty may be imposed on any person 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.

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- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment or volunteer activity.

Complaint Process

The Bartell will treat any person who invokes this complaint procedure courteously and will handle all complaints swiftly and confidentially to the extent possible, considering the need to take appropriate corrective action. Lodging a bona fide complaint will not be used against a person or have an adverse impact on the individual's status. Because of the damaging nature of harassment to the victims and to the entire theatre community, aggrieved individuals are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Confidentiality

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person 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 the company's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the company 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 – Concern Resolution Path (CRP)

The Goal

The goal of the CRP is to provide a documented communication pathway to address issues in a production or within an organization. The CRP seeks to inform participants what to do and who to contact with serious issues, and to dispel the fear of reprisal for reporting issues of safety, harassment, or other serious concerns.

The Standard

This Concern Resolution Path should be printed and distributed to all participants and discussed on the first day of rehearsal. It should be clearly communicated that the producer seeks to resolve concerns early, before participants or the production are put at risk and before the concern escalates.

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What is a concern resolution path?

The CRP provides names and contact information for members of the organization and production who have agreed to be responsive to reported issues and work to resolve them. It consists of:

- A written, clear, and transparently shared list of procedures for addressing a concern;
- A written, clear, and transparently shared list of persons with whom the concern should be addressed;
- A commitment to give reported concerns priority and a reasonable timeline for resolution.

Structure

- Level One - We recognize that many concerns can be resolved through conversation with the parties involved. Whenever possible participants should be encouraged to discuss challenges and concerns with one another. Sharing and hearing concerns with openness and respect can prevent situations from escalating further.
- Level Two – The following participants should be granted a certain level of authority and trust to determine whether a concern can be resolved at this level or if it needs to be sent to the next level. The person to whom a concern at Level Two is reported should inform someone at Level Three of the report, even if no action is required at the time.
 - Executive Director
 - Box Office Manager
- Level Three—These participants should be considered the final level of the path, capable of resolving issues that have not been resolved prior to reaching this stage. They are strongly advised to consult with each other and review legal or other implications of any decision.
 - Officers of Board of Directors
 - Executive Director
 - Board Members
 - Representative from QTI, with whom the Bartell has a contractual relationship.

Communication

- The CRP should be verbally explained and provided in writing at the first rehearsal (digitally and/or in print). It should include the name, title, and contact information for every individual on the CRP.
- A copy of the CRP should be posted or otherwise available in the rehearsal and performance spaces.

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- Participants should be encouraged to report their concerns in writing for recordkeeping purposes.
- Everyone volunteering should complete the signature page, acknowledging that they have been informed of these policies and principles.

Roles and Responsibilities

All persons involved with the Bartell are expected to uphold and abide by this policy by refraining from any form of harassment or discrimination, and by cooperating fully in the investigation of any complaint.

Board Members, directors, and producers have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. Board Members, directors, and producers are responsible for creating and maintaining a harassment- and discrimination-free organization, and should address potential problems before they become serious.

In the community theatre arena there are special circumstances that one must be made aware of. These include, but are not limited to:

- Rehearsals containing intimacy should remain professional (especially during vulnerable moments).
- Freedom to respect privacy if an actor requests a private area to change clothing.

Alternative legal remedies

Nothing in this policy may prevent parties from pursuing formal legal remedies or resolution through local, state, or federal agencies or the courts. Nothing in this policy prohibits anyone from contacting law enforcement if they believe a crime has been committed.

Note: This policy represents current law and the needs of the organization. It may be amended as needed, with notice to participants.

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Sample Concern Resolution Path (CRP)

Creating a safe and comfortable environment for all members of our team is important to this company. We take concerns seriously and seek to address issues in a sensitive and timely manner.

The following individuals are available to help you resolve any concerns or issues that may arise. We encourage concerns of level 2 and above to be made in writing when possible.

Level One

If you feel comfortable doing so, we encourage you to first directly address your concern with the individual(s) involved. This helps to foster an honest and open community and is often the fastest path to a resolution.

Level Two

If you are not comfortable directly addressing the individual(s) involved, or if no resolution can be agreed upon, your next points of contact can be any of the following:

Name: _____
Title: Executive Director
Email: _____
Phone: _____

Name: _____
Title: Box Office Manager
Email: _____
Phone: _____

Level Three

If an issue has not been resolved through Levels One or Two, or if you are an individual named in Level Two who needs assistance to resolve the issue, your next points of contact can be any of the following people. The contacts at this level may consult with each other and review any legal or other implications of any decision. I

Name: _____
Title: Board President
Email: _____
Phone: _____

Name: _____
Title: Board Vice President
Email: _____
Phone: _____

Name: _____
Title: Board Secretary
Email: _____
Phone: _____

Name: _____
Title: QTI Representative
Email: _____
Phone: _____

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Signature Page

I have read the anti-harassment policy and understand my role and responsibilities.

If there are any issues in my background which preclude me or limit me from working or volunteering with this organization in the capacity agreed to, I will discuss such issues with someone in authority in the organization.

Printed Name

Signature

Date