



## **Harassment and Discrimination Policy**

### **Objective**

Hamilton-Gibson Productions (HG) strives to create and maintain an environment in which people are treated with dignity, decency and respect, characterized by mutual trust and the absence of intimidation, oppression, and exploitation. HG will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, volunteers, board members, and participants in programs or events, HG seeks to prevent, correct, and discipline behavior that violates this policy.

All employees, volunteers, board members, and participants in programs or events are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any person who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination, or prohibition or suspension from participation in HG programs or events.

Persons who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to any member of the Executive Committee of the HG Board of Directors, are in violation of this policy and subject to discipline.

### **Prohibited Conduct Under This Policy**

HG, 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**

It is a violation of HG's policy to discriminate in the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status. HG also expressly prohibits discrimination among program or event participants.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination, or prohibition or suspension from participating in HG programs and events.

#### **Harassment**

HG prohibits harassment of any kind, including sexual harassment, 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 an employee,

board member, volunteer, participant in an HG program or event, or any person working for or on behalf of HG.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, 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, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status 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 is prohibited under this policy.

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

- Is made explicitly or implicitly a term or condition of employment, volunteerism, or inclusion in an HG program or event.
- Is used as a basis for an employment decision, assignment of duties, or advancement within the organization.
- Unreasonably interferes with an employee's work performance, volunteer's duties, or individual's participation in a program or event, or any other situation that 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 exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, 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 prohibitive 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, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are 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 forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between individuals that are acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

### **Other Prohibited Behaviors**

HG will not tolerate the following behaviors or any other behaviors that are inconsistent with HG's Code of Conduct, or are morally or ethically questionable as determined by the Executive Committee.

Prohibited behaviors include but are not limited to:

- Sexual advances or contact with a minor (individual under the age of 18).

- Any non-consensual physical contact or sexual assault.
- Bullying behaviors.

## **Reporting Knowledge of Prohibited Conduct**

HG expects all individuals involved in its programs and events to play an active role in the protection of minors and all participants from prohibited conduct. If prohibited conduct is witnessed or suspected, this information is expected to be reported to HG using the Complaint procedure below.

## **Retaliation**

No hardship, loss, benefit or penalty may be imposed on an employee, board member, volunteer, or participant in response to:

- Filing or responding to a complaint of discrimination or harassment in good faith.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a complaint in good faith or reporting known or suspected misconduct will in no way be used against a person or have an adverse impact on the individual's participation in the organization. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including prohibition or suspension from participating in HG programs or events.

## **Confidentiality**

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Executive Committee will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files held by the Executive Committee.

## **Complaint Procedure**

HG has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation. The organization will treat all aspects of the procedure confidentially to the extent reasonably possible. The position of investigator will be designated by the Executive Committee.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing, to any member of the Executive Committee. In the event a complainant refuses to provide information in writing, the investigator may document a verbal complaint.
2. Upon receiving a complaint or being advised that a violation of this policy may be occurring, the investigator may review the complaint with legal counsel.
3. The investigator will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. The investigator will interview the complainant(s), the respondent(s) and any witnesses to determine whether the alleged conduct occurred. Complainant(s) and/or respondent(s) who are minors will be expected to be accompanied by a parent or guardian.
5. Upon conclusion of an investigation, the investigator will submit a written report of their findings to the Executive Committee of the Board of Directors. If it is determined that a violation of this policy has occurred, the Executive Committee will levy appropriate disciplinary action. The appropriate action will depend on the following factors:

- a. the severity, frequency and pervasiveness of the conduct;
  - b. prior complaints made against the respondent; and
  - c. the quality of the evidence (e.g., firsthand knowledge, credible corroboration).
6. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Executive Committee may recommend appropriate preventive action.
7. Once a final decision is made, two members of the Executive Committee or their designee(s) will notify the complainant(s) and the respondent(s) of the findings of the investigation. If disciplinary action is to be taken, the respondent(s) will be informed of the nature of the discipline and how it will be executed.

### **Alternative Legal Remedies**

Nothing in this policy may prevent the complainant(s) or the respondent(s) from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.