



MIDLAND COMMUNITY THEATRE PARTICIPANT CODE OF CONDUCT

I. INTRODUCTION

Midland Community Theatre engages with a wide variety of people in different ways. Our strategies intentionally consider the needs and interests of our employees, volunteers, members, ticket buyers, local residents, visiting guests, families and children in our educational programs as well as our donors, funders and corporate sponsors.

II. PURPOSE OF THE CODE OF CONDUCT

The following are guiding principles for conduct expected from all Participants in Midland Community Theatre (“MCT”). While we cannot address every issue or provide answers to every situation, the principals in this Code of Conduct can define the spirit in which we intend to operate and should guide us in our daily conduct. Every Participant and Patron at MCT Activities is expected to act in accordance with this Code of Conduct.

MCT is committed to maintaining an inclusive environment where all Participants and Patrons feel welcome and safe regardless of their race, color, religion, sex, gender identity/expression, sexual orientation, marital status, national origin, ancestry, citizenship, age, disability, or any protected criteria under Texas or Federal Law. We expect all our Participants to conduct themselves in ways that support this commitment and to treat everyone with respect.

MCT recognizes the potential for harassment in a variety of circumstances, both inside and outside the theatre among Participants and Patrons. We also acknowledge theatre environments can create misperceptions about the differences between artistic interpretation of delicate subject matter and harassment; however, theatrical expression of sensitive material can be fully achieved while maintaining the safety of fellow Participants and respecting agreed-upon boundaries.

Discrimination, harassment, or intimidation of any person, including but not limited to a Participant or Patron or other individuals will not be tolerated and may be grounds for Corrective Action in accordance with the policies and procedures herein, including, without limitation, removal from participation with MCT and/or additional legal action.

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III. DEFINITIONS

Bullying: An offensive, cruel, intimidating, insulting, or humiliating behavior, verbally or physically, directly or indirectly, including physical violence or the threat thereof, regardless of circumstances or platform (including in electronic or digital format).

Complaint: A written document setting out the specific behavior that constitutes a violation of this Code of Conduct prohibits and any additional information (such as time frame, witnesses or documentation) that may assist in an investigation of the complained of behavior. A Complaint may be delivered to the Chair of the Conduct Committee via email, mail, in person or any other means that insures deliver of the same. A Complaint may not be anonymous. A Complaint may be made by a responding party on the basis of an alleged bad faith submission of a Complaint against them.

Detrimental Acts: Any action, including word or deed, by an individual which damages MCT property, casts a disparaging light upon the reputation of MCT, or any Participant, and which could reasonably interfere with the ability of MCT to provide community productions, educational programs, or to raise funds necessary to accomplish the goals and mission of MCT.

Employee: Any individual employed by MCT whether full time or part time, including interns.

Harassment: Any unwelcome or objectionable, physical, visual or verbal conduct, gesture, comment or display whether intended or unintended, that is insulting, humiliating, or degrading to another person, or creates an intimidating, hostile or offensive environment and is on the basis of race, ethnicity, language, financial ability, religion, gender or sexual orientation, disability or age, or any other kind of discrimination which is prohibited by Texas or Federal Law; made by a Participant which is offensive to a Participant or Patron of MCT that the person knew or reasonably ought to have known would be offensive.

MCT Activity: Any employment or volunteer work engaged in for the benefit of MCT, including, but not limited to, rehearsal, production, fundraising or any other event involving MCT.

Participant: Any Employee or individual (including Students) volunteering on behalf of MCT, including in any and all productions or fundraisers, service on the Board of Governors or Trustees, or a subcommittee thereof, including but not limited to actors, directors, stage managers, technical operators, stagehands, other members of the production team, concessions, house assistants, and ticket office in addition to contractors and vendors. Further, any Participant shall continue to be defined as such even when they might otherwise only be a Patron with regard to certain MCT Activities.

Patron: Any individual who attends a production or fundraiser sponsored by MCT, or any subcommittee thereof, or provides financial assistance or other non-volunteer support to MCT.

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

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's continued involvement in a MCT Activity,

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(2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's participation in a MCT Activity, or

(3) such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a MCT Activity or creating an intimidating, hostile, or offensive environment.

Student: A minor individual, or an individual who has reached the age of majority but not yet graduated high school, participating in the educational opportunities of MCT, including any and all classes and camps, as well as participating as a Pickwick Player or in other MCT production.

IV. APPLICATION OF CODE OF CONDUCT

MCT strives to provide each Participant and Patron with:

- An environment that is free from Harassment, Sexual Harassment, Bullying, or Detrimental Acts or other inappropriate behavior;
- An opportunity to file a complaint when the environment is not free from Harassment, Sexual Harassment, Bullying, Detrimental Acts or other inappropriate behavior;
- An opportunity to be informed of complaints made against them and be informed throughout the process;
- An opportunity to file a Complaint and participate in the Complaint Resolution Process without concern or fear of, or having to experience embarrassment or retaliation;
- An opportunity to have a fair determination of facts and clear notice of Corrective Action taken;
- A fair appeal process for both the complainant and the respondent; and
- Confidentiality to the degree possible under the circumstances and the law.

Expectations:

MCT has a strong desire to ensure safety of Participants and Patrons and shall address complaints by:

- Using due diligence and common sense;
- Following the process without bias;
- Documenting relevant facts and information; and
- Making a determination within a reasonable time frame.

Participants are responsible for contributing to a positive environment by adhering to this Code of Conduct, including refraining from Harassment, Sexual Harassment, Bullying, Detrimental Acts, or any other inappropriate behavior, including intoxication or the use or possession of illicit drugs,

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and are responsible for identifying and discouraging actions which are contrary to this Code of Conduct by reporting in a manner consistent with the Complaint Resolution Process as set out below.

The Executive Director, the President of the Board of Governors, and the Chair of the Conduct Committee are expected to use their efforts to alleviate aspects of the environment at MCT that are not in keeping with this Code of Conduct, whether or not a Complaint has been made.

The Chair of the Conduct Committee, as empowered by the Board of Governors herein, shall implement the Complaint Resolution Process and will:

- Advise complainants and respondents of the process and parameters;
- Facilitate communication between parties with a view to resolving conflict;
- Ensure the process is followed within an appropriate time frame;
- Arrange for an investigation (to be conducted by an independent party at the discretion of the Conduct Committee and/or President);
- Coordinate any additional actions to ensure completion of corrective action required;
- Maintain copies of all documentation pertaining to the resolution; and
- Ensure dissemination of this Code of Conduct to Participants.

V. COMPLAINT RESOLUTION PROCESS

Violations of this Code of Conduct shall be addressed. Situations in which there has been an accusation of Harassment, Sexual Harassment, Bullying, Detrimental Acts or other violation of this Code of Conduct are sensitive and often complex. The following process will generally be used:

Complaint Received > Factual Determination > Corrective Action > Appeal

If a Complaint is substantiated, the respondent will be subject to corrective action. However, intentionally submitting a complaint against someone for a violation of this Code of Conduct that is known to be false is also a violation of this Code of Conduct and is subject to corrective action. Further, any interference with an investigation or the process outlined herein, or any retaliation against a complainant, respondent, or witness, may itself result in corrective action.

Confidentiality

To the extent that circumstances will allow, Complaints will be received and investigated in a confidential manner, including prescribing corrective action. Information including investigative reports and substance of meetings, will be protected from disclosure to third parties, except where required by law or in order to facilitate these procedures. Additionally certain matters related to employees may require additional confidentiality at various stages throughout the complaint resolution process.

Complaint & Factual Determination

All Complaints should be reported to the Chair of the Conduct Committee. In the event that a Complaint involves the Chair of the Conduct Committee, the President of MCT's Board of Governors shall act in the place of the Chair of the Conduct Committee in all respects. In the event that a Complaint involves an employee other than the Executive Director, then the Executive Director shall replace the Chair of the Conduct Committee as a voting member (though the Chair shall continue to preside). In the event that a Complaint involves a member of the Board of Trustees, then a member of the Board of Trustees shall replace the Chair of the Conduct Committee as a voting member (though the Chair shall continue to preside).

When the Chair receives a Complaint, there shall be a factual determination wherein the Conduct Committee (or an independent investigator upon determination of the Conduct Committee) shall interview, individually and without the presence of any other party, the complainant and the respondent, as well as any individuals who may have witnessed or have knowledge of the alleged incident (at the sole discretion of the Committee).

In response, the Conduct Committee shall determine among three possible responses:

1. *No Action*: The behavior is not found to be a violation of the Code of Conduct;
2. *Resolve*: If the behavior was a violation of the Code of Conduct, then the Committee may select an appropriate required corrective action; or
3. *Referral*: If the Complaint is a potentially more severe violation of the Code of Conduct, then the Committee may refer the complaint to an investigator or potentially the police.

Investigation

If the Conduct Committee (or the President in the Appeals process) chooses to refer the Complaint to an investigator, then the investigator will conduct a thorough and unbiased investigation and provide a written report to the Chair of the Committee (or the President). The Conduct Committee will then make a decision as to the appropriate corrective action.

Corrective Actions

When considering corrective action, the Conduct Committee will review the evidence, the nature of the complained behavior, whether physical contact was involved, whether the situation was isolated, whether there was an abuse of power, or whether a Student was involved.

Corrective actions may include, but are not limited to:

- Requiring verbal or written apologies;
- A letter or reprimand;
- A referral to counseling or sensitivity training;
- Removal from the present activity;
- Referral to police or other legal authorities; or
- Suspension from any and all activities of MCT for any period up to permanent removal.

However, any suspension of the Participant in MCT Activities or a Participant or Patron ban from MCT property for a period of time of greater than one year shall require approval of the Board of Governors by an affirmative vote of 2/3 of those present at a properly noticed meeting accepting the recommendation of the Conduct Committee wherein the Chair of the Conduct Committee shall present the information obtained during the Factual Determination process, as well as any Investigation. Any matters which come before the Board of Governors pursuant to this paragraph shall not be subject to appeal and the decision of the Board of Governors shall be final.

Further, any corrective action involving an employee shall require the approval of the Executive Director, unless the Executive Director is the object of the corrective action, in which case approval shall come from the Board of Governors by an affirmative vote a majority of those present at a properly noticed meeting.

Where the conduct involves, or may involve, criminal activity MCT reserves the right to pursue criminal charges (and may have an affirmative obligation to report certain conduct to appropriate law enforcement personnel in accordance with Texas or Federal Law), as well as to pursue any civil action which MCT may be entitled to recover damages or other relief. Nothing herein is intended to relieve or restrict any individual from any obligation to report activity to an appropriate law enforcement or public agency.

Appeal

Either the complainant or respondent may, within ten (10) days of being notified of the corrective action selected by the Conduct Committee, submit an appeal, in writing to the President of the Board of Governors. Upon receipt of an appeal, the President shall review the information collected by the Conduct Committee and determine whether an investigation or further investigation is warranted. If such investigation occurs, upon completion, the Chair of the Conduct Committee shall provide any additional findings to the complainant and respondent, who will each

provided with an opportunity to respond. The Executive Committee will then meet to review the evidence and factual determination as well as the corrective action selected by the Committee. At such meeting of the Executive Committee, the Chair of the Conduct Committee shall be in attendance to make a presentation of the facts to the Executive Committee on appeal and be available to the Executive Committee for any questions; however, the Chair shall not have a vote (unless the Chair is otherwise a member of the Executive Committee). It shall be the purpose of this meeting of the Executive Committee to determine (i) whether a violation of the Code of Conduct occurred and (ii) whether the corrective action selected by the Conduct Committee was appropriate. The Executive Committee, on a finding of a violation of the Code of Conduct may: (i) affirm the corrective action selected by Conduct Committee or (ii) select a new, or additional, corrective action (which may be more or less severe). Any suspension of the respondent by the Conduct Committee shall remain in effect during the pendency of any appeal.

VI. OUR VALUES

In all our interactions with audiences, volunteers, students, the general public and each other, we focus on: Community, Creativity, Connection. In supporting MCT's values, each of us is responsible for knowing and adhering to standards, not merely the words, but the spirit, set forth in this Code of Conduct. Individual responsibility is the greatest tool in the protection of other Participants, Patrons, Employees, or Students from physical or emotional harm as well as protecting the reputation of MCT and its ability to provide quality theatrical productions and educational opportunities for generations to come.

VII. INFORMATION RELATED TO CODE OF CONDUCT AND EFFECT

All Participants shall be provided a copy of this Code of Conduct and must sign the attached acknowledgment prior to performing any acts on behalf of or for the benefit of MCT. While Participants may be provided with additional guidelines or information specific to a show or project, if any such additional information should conflict with this Code of Conduct then this Code of Conduct shall control. The Complaint Resolution Process contained herein shall be used for any complaints received after the effective date herein, regardless of the date of the action resulting in the complaint.

A copy of the Code of Conduct can be found on MCT's website at www.mctmidland.org.

If any person has a question related to the Code of Conduct they should consult the Chair of the Conduct Committee. This document may be amended from time to time by the Board of Governors without prior notice.

VII. ADOPTION

This Midland Community Theatre Participant Code of Conduct is hereby adopted by the Board of Governors and effective on this the _____ day of _____, 2022.

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ACKNOWLEDGMENT

I hereby acknowledge that I have read, understand, and will adhere to the values and standards outlined in the Midland Community Theatre Participant Code of Conduct. I affirm that I am at least eighteen (18) years of age, or I have obtained the required consent of a parent/legal guardian as evidenced by the signatures below.

I acknowledge that this Code of Conduct may be amended from time to time by the Board of Governors without prior notice and that I have an obligation to keep myself apprised of the Code of Conduct as it appears on MCT's web site. I acknowledge that this Code of Conduct does not confer any contractual or legal rights in me except as may otherwise be provided under Texas or Federal law.

Name (printed): _____

Signature: _____

Date: _____ / _____ / _____

If under 18 years of age, please also include signature of a parent or legal guardian:

Parent/Guardian Name: _____

Signature: _____

Date: _____ / _____ / _____