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# **Educational Theatre Association Complaint Policies**

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## **EdTA Event Participation Code of Conduct**

### **Event Participation Code of Conduct**

#### **1. Introduction**

The Educational Theatre Association (EdTA) is dedicated to providing a safe and productive experience at all sponsored events for all participants, regardless of gender or gender identity, race, color, personal appearance, national origin, religion, age, physical disability, mental disability, perceived disability, medical condition, ancestry, marital status, sexual orientation, or any other basis protected by federal or applicable state laws or local ordinances. EdTA does not tolerate discrimination, or any form of unlawful harassment or abusive conduct, and is committed to enforcing this Event Participation Code of Conduct at all EdTA events.

The purpose of this EdTA Code of Conduct is to provide clarity regarding unacceptable conduct and, in the event of accusations of misconduct in connection with EdTA events, direction on procedures that shall be followed. In addition to this Code of Conduct, all participants, including, but not limited to, attendees, speakers, volunteers, exhibitors, service providers, and all others are expected to abide by the Virtual Programs Code of Conduct. These codes apply to all EdTA events and activities, including virtual and non-virtual events and functions. It also applies to events and activities sponsored by organizations other than EdTA and its licensees and affiliates but held in conjunction with EdTA events, on public or private platforms.

Any complaints should be formally submitted using the [Incident Complaint Form](#) posted on the EdTA website. Any complaints will be documented and reviewed.

EdTA reserves the right to update or change these codes without notice.

#### **2. Scope of the EdTA Code of Conduct**

EdTA requires compliance with the EdTA Code of Conduct by all participants, staff, volunteers, guests, and vendors at all EdTA conferences, meetings, meeting breakout sessions, programs, activities, and social events as well as at all EdTA meeting-related events that are expressly sponsored or promoted by EdTA (“Event” or “Events”).

#### **Jurisdiction**

If an EdTA participant experiences inappropriate behavior at the participant’s own or another institution, or online but not via EdTA -sponsored Events, that participant should contact the individual at that location or the individual’s home institution who handles such issues, such as the local administration, law enforcement, or mental health counselor.

The above procedures cover situations where all of conditions A-C are met:

- A. The alleged incident occurred during an EdTA sponsored activity, including events, meetings, or related activity, including electronic and in-person communications.
- B. The accused is acting in their capacity on behalf of the EdTA (employee, volunteer, participant, delegate, etc) at the time of the incident(s.)
- C. The alleged victim is acting in their capacity as a participant of an EdTA event.

### **Investigation**

EdTA will promptly and impartially investigate the facts and circumstances of claims of inappropriate conduct or harassment at EdTA Events. EdTA will make every effort to keep the reporting individual's concerns confidential and will not deliberately share personal information other than to the investigator(s); however, confidentiality cannot be guaranteed if there is reasonable cause to report the incident to Child Protective Services, law enforcement, or site administration.

During an investigation, EdTA or a designee is subject to obligations of confidentiality, and will do the following to make a determination as to appropriate action:

- document the nature of the complaint;
- interview the complainant;
- conduct further interviews as necessary, such as with witnesses or, at an appropriate time, the accused;
- document EdTA's findings regarding the complaint;
- document recommended follow-up actions and remedies, if warranted; and
- inform the complainant of EdTA's findings.

Upon completion of the investigation, EdTA will take corrective measures against any person who has engaged in conduct in violation of this policy, if EdTA determines such measures are necessary.

Upon receipt of a complaint, EdTA reserves the right to immediately remove an individual in order to ensure that the Event may proceed safely and without undue interruption.

### **3. Prohibited Conduct**

Prohibited conduct at EdTA Events includes, but is not limited to:

- a. harassment based on gender or gender identity, race, color, personal appearance, national origin, religion, age, physical disability, mental disability,

perceived disability, medical condition, ancestry, marital status, sexual orientation, or any other basis protected by federal or applicable state laws or local ordinances;

- b. demeaning comments or harassment about a person's professional status or qualifications;
- c. sexual harassment, as defined in Section 4;
- d. abusive conduct (including but not limited to bullying, hazing, harassment) that has the purpose or effect of unreasonably interfering with another person's ability to benefit from and enjoy or participate in the Event, including social events related to the Event and sponsored by EdTA;
- e. undue interruption of any Event, speaker, or session;
- f. violence or threats of violence;
- g. use of illicit drugs or substances that have been declared illegal to possess, use, or distribute without authorization under federal and/or state laws.

The above is not a complete list of what may be deemed inappropriate, abusive conduct, sexual or other unlawful harassment prohibited by law. It is impossible to define every action or word that could be interpreted as inappropriate. However, EdTA has a "zero tolerance" policy toward discrimination and all forms of unlawful harassment or abusive conduct. EdTA reserves the right to discipline Event participants who engage in any inappropriate conduct, even if it is not specifically referred to in this Code.

The tenets of this document do not supercede federal, state, or local mandatory reporting requirements.

#### **4. Harassment Defined**

Unlawful harassment includes verbal, physical, in-person, virtual, or other conduct – whether intentional or unintentional – that creates an intimidating, offensive, or hostile environment. It can take many forms and includes, but is not limited to, the following: slurs, epithets, derogatory comments, insults, degrading or obscene words, jokes, demeaning statements, offensive gestures, or displaying derogatory or demeaning pictures, drawings, or cartoons based upon an individual's gender, race, color, personal appearance, national origin, religion, age, physical disability, mental disability, perceived disability, medical condition, ancestry, marital status, sexual orientation, or any other basis protected by federal or applicable state laws or local ordinances.

Sexually harassing conduct in particular includes all of these prohibited actions, as well as other unwelcome conduct, such as unwanted sexual advances; lewd propositions or innuendos; leering; making sexual gestures; making sexually suggestive or graphic comments or engaging in sexually-oriented conversation;

sexually suggestive objects, graphics, pictures, or posters, whether physically displayed in the Event location or accessed over the Internet; making or using derogatory comments, epithets, slurs or jokes; the touching or display of one's own body; or physical touching or assault, as well as impeding or blocking movements.

Sexually harassing conduct can be by a person of either the same or different gender. Conduct that begins as consensual in nature may become harassment if one party withdraws their consent. Sexual or other harassment prohibited by law is unacceptable and will not be tolerated.

## **5. Reporting an Incident - Must use EdTA [Complaint Report Form](#)**

### *Contact Law Enforcement in the Event of Serious or Immediate Threat*

If inappropriate conduct occurs at an Event whereby there is an immediate or serious threat to public safety, victims or witnesses are encouraged to report conduct immediately to law enforcement and to an EdTA adult supervisor.

Any complaints related to EdTA Events and intended for EdTA resolution should be formally submitted using the [Complaint Report Form](#) posted on the EdTA website.

## **6. Discipline**

If the EdTA Executive Director or the ED's designee determines that an individual has engaged in prohibited conduct, the EdTA ED or ED's designee shall determine the appropriate action to be taken. The designee should be someone with appropriate experience and substantial knowledge of investigative processes. Examples of disciplinary actions may include, but are not limited to:

- oral or written warning or reprimand;
- transfer or reassignment;
- demotion;
- reduction of stipend;
- suspension;
- discharge;
- mandated training or counseling of harasser to ensure that they understand why conduct violated the EdTA Code of Conduct;
- monitoring of harasser to ensure that harassment stops;
- restoration of leave taken because of the harassment;
- apology by the harasser;

- monitoring treatment of complainant to ensure that they are not subjected to retaliation by the harasser or others in the work or school place because of the complaint;
- removal from the EdTA Event without warning or refund;
- implementation of conditions upon attendance at future EdTA Events;
- ineligibility for any Thespian or EdTA membership benefit, such as the ability to hold office, audition for or receive scholarships, to wear Thespian Honors, etc.
- removal of EdTA membership;
- removal from any working with EdTA/ITS members.

EdTA may report any incident to proper authorities including, but not limited to, law enforcement and/or school site administration. EdTA will seek to align and adhere to state and local policies.

#### **7. Retaliation Is Not Tolerated**

Retaliation for complaints of inappropriate, abusive conduct, or harassment will not be tolerated. Retaliatory behavior in connection with EdTA Events will be investigated in a similar manner to initial complaints. EdTA Employees and members who make complaints of harassment or provide information related to such complaints will be protected against retaliation.

Adopted by EdTA Board of Directors on November 22, 2020

## **Educational Theatre Association Complaint Procedures**

EdTA is committed to taking all reasonable steps to hold participants accountable at its Events, and will make every reasonable effort to promptly and completely address and correct any prohibited conduct that may occur at an EdTA Event.

EdTA complaints must be in writing. The basis of the complaint must be related to conduct defined in the EdTA Code of Conduct. A complaint should be made promptly and in the most expedient manner to a person of authority either at a school site or directly to the EdTA Executive Director (ED) (see [Complaint Report Form](#).)

The complaint procedure is a 2-step process as detailed below.

### **2-Step Process:**

**Step 1 (EdTA Executive Director):** After EdTA Executive Director has received a complaint it will be referred to a designee for investigation and resolution. The designee will have appropriate experience and substantial knowledge of investigative processes. The designee will investigate the complaint, attempt to resolve the complaint, and make a Step 1 recommendation if the complaint cannot be resolved to the complainant's satisfaction.

- (a) The designee responsible for Step 1 has 30-calendar days from appointment to investigate the complaint, attempt to resolve the complaint, and make a written recommendation on the complaint if it is not resolved. The written recommendation will include the alleged violation of the code of conduct, the rendered judgement, and if appropriate, the disciplinary action.
- (b) The designee responsible for the complaint at Step 1 has wide latitude to attempt to resolve the complaint by conferring with the complainant, the subject, and other parties involved. In some cases, it may involve the designee requesting the complainant and the subject of the complaint to meet and try to resolve the dispute. In other cases, it may not be appropriate to have such a meeting.
- (c) The 30-calendar day time limit for Step 1 may be extended by the written agreement of the complainant.
- (d) The Executive Director makes the decision to accept, modify, or reject the recommendation of the designee.

- (e) The Executive Director sends a written response with the decision to the complainant and the accused.
- (f) The designee will include in the Step 1 decision a notice that the decision may be appealed within fourteen (14) calendar days after the decision is sent to the complainant. The notice will explain how to appeal the decision, where to send the appeal, along with the applicable timeline to appeal.
- (g) The complainant who appeals the Step 1 decision shall provide in writing the reason(s) for the appeal.

**Step 2: (EdTA Governing Board):** If the complainant or the accused disagrees with the decision in Step 1, they may appeal the decision to EdTA Governing Board. The appeal to the EdTA Governing Board is the final step in EdTA's complaint process.

- (a) The Governing Board President determines the Step 2 designee, who is different from the ED or the ED's designee.
- (b) The Step 2 designee will review the investigation that occurred at Step 1, the Step 1 decision, and the complainant's written appeal.
- (c) The Step 2 designee may but is not required to do more investigation if that designee determines it is necessary. This may include additional interviews of the complainant and other relevant witnesses.
- (d) The Step 2 designee will attempt to resolve the complaint with the complainant. If this is not possible, the Step 2 designee will issue a recommendation.
- (e) The designee responsible for Step 2 has 30-calendar days to investigate the complaint, attempt to resolve the complaint and make a written recommendation to the complainant.
- (f) The 30-calendar day time limit for Step 2 may be extended by the written agreement of the complainant.
- (g) The Board of Directors makes the final decision to accept, modify, or reject the recommendation of the designee.
- (h) The Board of Directors sends a written response with the final

decision to the complainant and the accused.

- (i) It is EdTA's goal that the complaint process be completed within the stated timeline from initial complaint to render the final decision.

### **Complaints that cannot be processed within the timeline**

There may be situations where it is not practical that a complaint can go through the 2-step process from start to finish within the stated timeline. In these instances, EdTA will work with the complainant to come to a mutual agreement on the path forward.

If a complaint is received at the end of the school year, and an investigation must include interviews of staff and students who may be unavailable during the summer months, it may be necessary for EdTA to extend the time to complete the investigation.

### **Investigations**

Investigations will normally occur at Step 1 after a complaint is received. The Step 1 designee may be the investigator, or a third-party investigator may conduct the investigation. The investigator will not be a person who is the subject of the complaint or who is directly involved in the subject matter of the complaint.

**Legal Counsel:** At the sole discretion of the Executive Director or designee, it may become necessary to request EdTA's legal counsel to assist EdTA in an investigation.

### **Conflict of Interest**

In the event that the complaint names the EdTA Executive Director or member(s) of the EdTA Board of Directors, the named party will be suspended from making decisions related to the investigation until disposition of the case or resolution determined by EdTA Board of Directors.

If the EdTA Executive Director may have a conflict of interest with the parties involved in the complaint report, a copy of the complaint report shall be submitted to the President of the EdTA Governing Board who shall appoint the Step 1 designee. The Executive Director may take immediate action to ensure no further harm takes place. Any appeal would be led by the Vice President.

### **Notification**

The investigating designee is required to notify the individual whom the complaint is filed against in writing. The individual who files the complaint will be notified in writing if the complaint is deemed unsubstantiated. Where the complaint is deemed unsubstantiated the written notification must detail the reasons why the complaint was deemed unsubstantiated. The investigating designee reserves the right to request an interview with the complainant, the accused or any other individual named by either party as a witness to the incident reported. If the Executive

Director/Designee deems the complaint valid, the individual who is accused of the Code violation will be subject to disciplinary action.

## **Rights**

### ***Rights of the Complainant include:***

- ◆To decide whether to file a formal complaint
- ◆To be separated from the accused during the investigation
- ◆To be notified of the outcome of the investigation as soon as possible upon the completion of the findings
- ◆To appeal the decision to the Governing Board of Directors

### ***Rights of the Accused include:***

- ◆To receive a fair and impartial investigation into the complaint
- ◆To be informed, in writing, of the complaint against them
- ◆To be notified immediately of the outcome of the investigation
- ◆To appeal the decision to the Board of Directors

**EDUCATIONAL THEATRE ASSOCIATION  
COMPLAINT REPORT FORM/COMPLAINT/INVESTIGATION  
RECORD**

*Confidential for EdTA Recording Purposes Only*

**Submit this report to Thespian Troupe Director, Building/Site Administrator,  
or directly to the EdTA Executive Director, Julie Theobald -  
jtheobald@schooltheatre.org**

**Mandated reporters must personally report to local agencies in addition to this form.**

Date of Report: \_\_\_\_\_

Name/Title of Person filling out Report:	Phone #	Contact Email

**INCIDENT(S) INFORMATION:**

Date/Time: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Name of Accuser and gender or gender identity:

\_\_\_\_\_

Name of Accused and gender or gender identity: \_\_\_\_\_

Name of Witnesses : \_\_\_\_\_

Format of the report (email, text, phone, etc.): \_\_\_\_\_

**DESCRIPTION OF INCIDENT (Attachments as needed):**

**RESOLUTION SOUGHT:**

### EdTA Complaint Checklist

<b>X Complete</b>	<b>EVALUATION OF COMPLAINT</b>
	Attached is a copy of the initial Complaint Report Form submitted by the complainant.
	Notified accused of allegations (attach a copy of the written notification).
	Interviewed complainant, accused, and witness (include names, dates and summary of actions).
	If an incident was witnessed by a teacher/supervisor, did the teacher take any steps to intervene if safe to do so? If so, what intervention steps did the teacher/supervisor take?
	Collected and attached any written and/or technological evidence related to complaint (be mindful of student privacy rights in collecting such evidence and contact legal counsel and/or law enforcement as appropriate. List attached items below:
	Requested and attached written statements from victim(s), witness(es), and alleged accused if possible: List attached items below:
	Conducted interviews, as necessary, of victim(s), witness(es), and alleged accused if possible. Attach written interview notes. List attached items below:
	Interviewed complainant, accused, and witness (include names, dates and summary of actions).
	Resolution Determined: Based on the investigation, the following can be concluded from the evidence:
	Response summarized: Prepared a formal report and attached it to the checklist.
	Notified the complainant and accused of the conclusion and findings of the investigation as appropriate. (See Sample investigation follow-up letter).
	List discipline implemented based on Code of Conduct:

## **EDUCATIONAL THEATRE ASSOCIATION**

### **Volunteer Application**

The Educational Theatre Association (EdTA) Board of Directors recognizes volunteers as necessary and valued assets in the implementation, improvement and enrichment of EdTA programs, events and opportunities for students. The productive participation of volunteers enhances the education of students while maintaining a safe environment and upholding the norms, policies and procedures established by local school districts.

In alignment with district prerequisites, at the district and school levels, volunteers associated with EdTA programs and events with direct, unsupervised contact with students such as accompanists, tech/stagecraft support, coaches, chaperones, etc., would be required to submit all necessary forms and certifications, including, and not limited to, a Volunteer Application form and a Criminal Records Check. Submission of the Volunteer Application and completion of the Criminal Records Check process would be updated every three years. Volunteers are responsible for completing all forms honestly with accurate information. It is expected each volunteer would meet all prerequisites and all information would be handled in the strictest confidence.

Volunteers participating in EdTA programs and events without direct, unsupervised student contact such as speakers, session leaders, etc., are minimally required to submit a Volunteer Application form and any documentation appropriate for the specific site or event. Associated school districts, private and charter schools may have additional requirements.

Supervised and unsupervised contact between volunteers and students can, and often does, include a significant element of electronic, virtual communication. For the duration of a sanctioned partnership between an EdTA volunteer and a student (e.g., coaching a student for a performance, providing accompaniment for a student for a solo, etc.), the volunteer must follow all established protocols for electronic communication such as including an authorized adult (e.g., teacher, parent/guardian, etc.) in all text messages, emails, etc. Once an event has concluded, volunteers will not engage in ongoing electronic communication with students.

## Educational Theatre Association (EdTA) Volunteer Application Form

Thank you for your interest in serving as a volunteer with EdTA. This Volunteer Application consists of three sections. Please ensure you have completed all sections prior to submitting to EdTA.

### Section 1: Demographic Information

First Name:

Middle Name:

Last Name:

Email Address:

Home Phone:

Cell Phone:

Work Phone:

Home Address Street:

City:

State:

Zip:

Legal First Name:

Legal Middle Name:

Legal Last Name:

Maiden/birth name or any other names you have used:

List all previous addresses you have had in the last 10 years:

Date of Birth:

Driver's License Number:

Issuing State:

Type of Applicant:

- Parent/Legal Guardian
- Community Partner
- Employee
- Relative
- Student Volunteer

EdTA requires a background check clearance for all volunteers.

Yes    No    Do you have a student who is a registered member of EdTA?

I waive and will not bring any claim against EdTA, including negligent acts of district agents, for damage to my personal property or any injury to myself as a result of my volunteer activity. I agree to this action to the fullest extent allowed by law. Applicants that fail to complete information provide misrepresentation or untrue facts will be denied the opportunity to volunteer. Per EdTA policy/standard practice, in an effort to maintain a safe environment, criminal history verification is required for some volunteer activities.

**WARNING:** Falsely responding or failure to fully disclose information to the questions listed below may prohibit your employment or clearance for volunteer assignment. If you have any questions, be certain you ask before you submit this form. **DO NOT ASSUME** conviction records have been **AUTOMATICALLY** sealed, removed or expunged.

Yes      No      Have you ever been convicted of a felony or any other crime except a minor traffic Violation? This includes traffic crimes. If YES, describe the circumstances of the conviction.

Yes      No      Have you ever been arrested within the last three years for a crime for which there has not yet been an acquittal or dismissal? If YES, describe the circumstances of the conviction.

EdTA will deny volunteer privileges to anyone convicted of certain felonies and misdemeanors. In addition, EdTA reserves the right in its sole discretion to deny volunteer privileges to persons based on the nature and recentness of crimes and overall record. The Executive Director of EdTA or designee, in their sole discretion, may revoke a volunteer's privilege at any time if the volunteer's presence is considered disruptive or unsafe to the learning environment.

EdTA strives to ensure a safe learning environment for all children. Therefore, any person that refuses a criminal background check will not be allowed to volunteer. There are no exceptions.

I consent to a check of criminal/civil records by EdTA. All information I provide will be handled in a professional and confidential manner.

Electronic Signature (type your legal name):

**Volunteer Code of Confidentiality:**

EdTA is committed to maintaining the security and confidentiality of all student records and information. Selected volunteers with access to student records or information must adhere to the Volunteer Code of Confidentiality as outlined in the guidelines below:

1. All student records should be considered confidential.
2. Directory information, including a student's name, address, telephone number, date and place of birth, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and previous education agencies or institutions attended, can only be shared with the administrative approval of the local school district.
3. Records should not be left in a place where others can view them.

4. Copies of records can only be shared with administrative approval.
5. Volunteers should not discuss or repeat information overheard while in the staff lounge, classrooms, offices, school grounds, hallways, or school or extra curricular activities.
6. Volunteers should not discuss information obtained while in a classroom, such as a student's grade or behavior, with anyone other than the student's teacher.
7. Concerns or questions regarding student records or issues of confidentiality should be brought to the attention of the staff member that supervises the volunteer, and/or school administrator.
8. Any knowledge of a violation of this Code of Confidentiality should be immediately reported to the staff member that supervises the volunteer, and/or school administrator.

**By signing, I acknowledge that I have read, understand, and will comply with the Volunteer Code of Confidentiality.**

**Section 2: Do you have a student registered as a member of EdTA?**

Yes    No    Where is the student registered: \_\_\_\_\_  
Name of School, School Address

**Section 3: Volunteer's Background and Interests With EdTA**

Please list your skills and interests that can contribute to the work of EdTA:

**Submit Application**