

Discrimination and Harassment Prevention Policy of PHIT Comedy

I. INTRODUCTION

It is the goal of PHIT Comedy (PHIT Comedy, Inc.) to promote a work environment that is free of discrimination and harassment. Discrimination and harassment of employees or anyone else associated with PHIT Comedy is strictly prohibited and will not be tolerated.

This policy also strictly prohibits any retaliation against an individual who has complained about discrimination or harassment, or any retaliation against individuals for cooperating with an investigation of a harassment complaint. Because PHIT Comedy takes allegations of discrimination and harassment seriously, we will respond promptly to any reports of discrimination or harassment. Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination or harassment, the policy is not designed or intended to limit our authority, to discipline, or take remedial action for workplace conduct which we deem unacceptable and regardless of whether that conduct satisfies the definition of harassment.

III. SCOPE

Under this policy, unlawful discriminatory and/or harassing conduct by anyone, whether in the theatrical productions, in offices, at work assignments outside the office, at office-sponsored social functions, or elsewhere, will not be tolerated. Managers and supervisors must be diligent in preventing such conduct. This policy also applies to all persons involved in the operation of PHIT Comedy and prohibits discrimination and/or harassment by any employee of PHIT Comedy including co-workers, supervisors, managers, as well as by any person doing business with or for the company, including outside vendors, business partners, customers, contractors, volunteers and all visitors to the workplace.

For purposes of this policy, it shall be prohibited for any employee or agent of PHIT Comedy because of sex (gender), race, national origin, ancestry, color, religion, age, genetic information, gender identity or expression, sexual orientation, education status; or disability, or the use of a guide or support animal for disability, or relationship to a person with a disability; or to refuse to hire or employ any individual, or to bar or discharge from employment any individual, or to discriminate against any individual in compensation, terms, conditions, or privileges or employment, unless based upon a bona fide occupational qualification.

In addition, it shall be prohibited for any employee or agent of PHIT Comedy to engage in verbal, pictorial or written abuse referencing sex (gender), race, national origin, ancestry, color, religion, age, genetic information, gender identity or expression, sexual orientation, education status; or disability which is unwelcome and substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment. Notwithstanding, PHIT Comedy recognizes that greater tolerance is necessary for verbal or non-verbal expression or language pertaining to a protected characteristic made during the course of an artistic performance or theatrical production when such expression or language is related to the theme or message of the performance or production and not devoid of any literary, artistic or political value.

III. DEFINITION OF SEXUAL HARASSMENT

"Sexual harassment" is defined as sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- A. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or as a basis for employment decisions; or,
- B. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for, actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances-whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexual suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquires into one's sexual experiences; and,
- Discussion of one's sexual activities.

All persons should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

IV. OTHER FORMS OF HARASSMENT

In addition to sexual harassment, this policy prohibits any form unwelcome or otherwise offensive conduct, whether verbal, physical or visual, directed at a person based upon that person's sex (gender), race, national origin, ancestry, color, religion, age, genetic information, gender identity or expression, sexual orientation, education status; or disability, or other characteristic protected by federal, state or local law.

Harassment includes conduct that:

- A. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- B. has the purpose or effect of unreasonably interfering with an individual's work performance; or
- C. otherwise adversely affects an individual's employment opportunities.

Examples of prohibited harassment include, but are not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs or unwanted comments and jokes;
2. Visual conduct such as derogatory posters, cartoons, drawings or gestures;
3. Physical conduct such as assault, blocking normal movement, restraint, touching or other physical interference with work directed at an individual;
4. Emails that contain offensive comments, jokes or visual images; or
5. Threats and demands to submit to certain non-work-related conduct or perform certain non-work-related actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security or promotion.

V. REPORTING PROCEDURE

If any of our employees, volunteers, customers, clients or anyone associated with the PHIT Comedy community believes that he or she has been subjected to discrimination, harassment or offensive conduct, either directly or in their presence, and whether committed by other employees, supervisors, clients, vendors, or visitors to the workplace, that person has the right to report such conduct. This may be done in writing or orally.

You may report these matters by contacting any member of PHIT's Senior Leadership team (Haley Fluke, Derek Hayes, Kelly Jennings) or any producer or other member of management. These persons are also available to discuss any concerns you may have and to provide information to you about our policy and our complaint process.

VI. INVESTIGATION

When we receive the complaint, PHIT Comedy will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed the discrimination or harassment. An effective policy and thorough investigation requires the support of all personnel. Consequently, employees who engage in discrimination, harassment or retaliation or who fail to cooperate with investigations of discrimination, harassment or retaliation may be subject to discipline.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct by taking appropriate remedial measures. The confidentiality and privacy of our employees and those involved will be respected during the investigation.

Furthermore, if it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances. In addition, those who refuse to implement remedial measures, obstruct the remedial efforts of other employees, or engage in retaliation may also be subject to discipline.