

THE PUBLIC THEATER POLICY AGAINST HARASSMENT



The Public is proud of its professional and congenial work environment, and seeks to ensure that the work environment remains pleasant for all who work here.

Accordingly, The Public strongly disapproves of and will not tolerate sexual harassment or harassment based on race, color, national origin, citizenship status, creed, age, sex (including pregnancy, childbirth or related medical conditions), marital status, religion, disability, sexual orientation, veteran status and any other status protected by federal, state or local law.

A. Prohibited Conduct

Each employee must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment may include, but are not limited to:

- **Verbal:** repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds, offensive voice mail messages, questions about another's sex life or experiences or repeated unwelcome requests for dates;
- **Visual/Non-verbal:** derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries or e-mail; leering, staring or stalking; or obscene gestures;
- **Physical:** unwanted physical contact including touching, grabbing, groping or fondling; interference with an individual's normal work movement; or assault; and
- **Other:** making or threatening reprisals as a result of a negative response to harassment.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors or any other visual, verbal or physical conduct of a sexual nature when: (i) submission to the conduct is made either an explicit or implicit condition of employment; (ii) submission to or rejection of the conduct is used as the basis for an employment decision; or (iii) conduct occurs that is unwelcome and is sufficiently severe or pervasive as to interfere with an employee's work performance or create an intimidating, hostile or offensive work environment.

B. Employee's Responsibilities

Employees must conduct themselves in a manner that ensures others are able to work in an atmosphere free from harassment. Employees who feel that they have experienced or witnessed conduct that could be in violation of this policy are encouraged to promptly notify the offender that their behavior is unwelcome. Additionally, employees must immediately report the incident to their immediate supervisor, their department director and/or the Human Resources Director. Employees must not allow an inappropriate

situation to continue by not reporting it, or by complaining only to the alleged harasser. All incidents of objectionable conduct must be reported, including those occurring outside the facility or during off hours. Supervisors or managers who receive a complaint, or otherwise become aware of conduct that could be in violation of this policy, must notify their department director and/or the Human Resources Director.

C. Investigation of Complaints

The Public will investigate all complaints of harassment, discrimination or other objectionable conduct thoroughly and promptly, as appropriate to the nature and particulars of the complaint. The Public will keep complaints and the terms of their resolution confidential to the fullest extent practicable.

If an investigation leads to a determination that an individual engaged in conduct in violation of the Company's policies, The Public will take appropriate, corrective action against the offending party, up to and including immediate termination of employment.

D. Protection against Retaliation

Retaliation of any kind or discriminating against an employee who in good faith reports a suspected violation of this policy or who cooperates in an investigation is prohibited. An employee who violates this policy in any way will be subject to disciplinary action up to and including immediate termination.

WHISTLEBLOWER AND NO RETALIATION POLICY

This Whistleblower Policy will serve to safeguard high standards of organizational and personal ethics in The Public Theater. It will encourage all directors, officers and employees to practice honesty and integrity in fulfilling their responsibilities and to comply with all applicable laws and regulations. Toward that end, this policy addresses the submission by directors, officers, and employees of complaints, concerns, and suspected violations with respect to one or more of the following matters:

- Questionable financial practices.
- Compliance with legal and regulatory requirements.
- A violation or suspected violation of The Public Theater's conflict of interest policy.
- A retaliatory act against an employee who reports a suspected violation of any of the above.

E. Procedures for Employees Making Complaints/Reporting Violations

Employees should share their complaints, concerns and suspected violations with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if the employee is not comfortable speaking with their supervisor, or is not satisfied with the supervisor's response, the employee is encouraged to speak with the Human Resources Director or anyone in management whom the employee is comfortable approaching. Managers are required to report suspected financial, legal or regulatory violations to the Audit Committee.

In addition to any other avenue available to an employee, any employee may report to a member of the Board of Directors or the Audit Committee Chair or any Audit Committee member openly, confidentially or anonymously any Financial Allegation or Legal Allegation or report of a Retaliatory Act. Financial Allegations, Legal Allegations and reports of a Retaliatory Act can be made orally or in writing to the Chair of the Audit Committee.

F. Procedures for Receiving Reports

Any Report made directly to management or to any member of the Board of Directors, whether openly, confidentially or anonymously, will be promptly reported to the Audit Committee. Concerns expressed anonymously will be investigated to the fullest extent possible. Employees should be aware, however, that anonymity could become an obstacle to full review and resolution of a concern by The Public Theater and that they may therefore be asked to provide certain additional identifying details to conduct a thorough investigation of their allegations.

The Audit Committee will notify the complainant—if their identity is known—and acknowledge receipt of the Report within seven days and review each Report. The Committee will have discretion to consult with any member of management who is not the subject of the allegation and may have appropriate expertise to assist the Committee. The Committee will determine whether the Committee or management should investigate the Report.

If the Audit Committee determines that management should investigate the Report, the Committee will notify The Public Theater's Executive Director in writing of that conclusion. Management will thereafter promptly investigate the Report and will report the results of its investigation, in writing, to the Audit Committee. Management will be free in its discretion to engage outside auditors, counsel or other experts to assist in the investigation and in the analysis of results.

If the Audit Committee determines that it should investigate the Report, the Committee will promptly determine what professional assistance, if any, it needs in order to conduct the investigation. The Committee will be free in its discretion to engage outside auditors, counsel or other experts to assist in the investigation and in the analysis of results.

G. Protection of Whistleblowers

NON-RETALIATION

The Public Theater, including the Audit Committee, the directors, the officers and management, will not retaliate and will not tolerate any retaliation by any other person or group, directly or indirectly, against anyone who, in good faith, makes a Report or provides assistance to the Committee, management or any other person or group, including any governmental, regulatory or law enforcement body, investigating a Report.

A director, officer or employee who retaliates against someone who has reported a violation is subject to discipline up to and including removal from the Board of Directors or termination of employment.

CONFIDENTIALITY

The Public Theater, including the Committee, the directors, the officers and management will not, unless compelled by judicial or other legal process, reveal the identity of any person who makes a Report or provides assistance to the Committee, management or any other person or group, including any governmental, regulatory or law enforcement body, in investigating a Report and who, in each case, asks that their identity as the person who made such Report or provided assistance in connection with such Report remain confidential. The Committee also will not make any effort, or tolerate any effort made by any other person or group, to ascertain the identity of any person who makes a Report anonymously.