

<b>Pentacle Theatre Policy</b>	<b>SUBJECT: Progressive Resolution Policy</b>
<b>Approved by:</b> Erik Davis President	<b>Effective Date:</b> February 28, 2022

**Purpose:** Pentacle Theatre’s (“Pentacle”) progressive resolution policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior, performance issues or actions by a volunteer that violate Pentacle Theatre’s Code of Conduct, Drug and Alcohol Policy, Sexual Harassment Statement or another of the theater’s policies.

Outlined below are the steps of Pentacle Theatre’s progressive resolution policy and procedures.

**Definition:** *Volunteer* includes, but is not limited to, members of the Pentacle Theatre Governing Board (the “Board”), directors, committee members, production teams, hospitality guild members, cast and crew members including individuals receiving a stipend.

**General Provisions**

**Stipend Recipients:** Nothing in this policy confers contractual rights under the PRP on Volunteers who are stipend recipients. Additionally, receiving a stipend does not alter the at-will status of any Pentacle employee or Volunteer.

**Discrimination Policy:** Consistent with other Pentacle policies for employees and Volunteers, and consistent with state and federal law, no Volunteer will suffer discrimination or retaliation for either reporting conduct pursuant to the reporting procedures described below. Moreover, Pentacle prohibits all forms of unlawful discrimination and retaliation as described in Pentacle’s Code of Conduct and Sexual Harassment Statement or any other Pentacle policy related to employees or Volunteers.

**Policy:**

**Reporting Procedure**

Pentacle Theatre would like to see problems solved at the lowest level possible, but certain conduct requires a more systematic response to ensure that the theater continues to provide a safe and supportive environment for volunteers. Nevertheless, problematic conduct should be reported to the Executive Director, or in the event that reporting to the Executive Director is impracticable, then to the Board Chair, where a Volunteer’s conduct violates Pentacle’s Code of Conduct, Drug and Alcohol Policy, Sexual Harassment Statement, or another Pentacle policy addressing issues to Volunteer conduct.

**Procedure Modification**

Pentacle reserves the right to add, modify, or deviate from the below prescribed procedures depending on the facts of each incident and the nature of the offense at any time, without advance notice. We will attempt, however, to notify volunteers of any such changes where circumstances allow for such notice.

Further, Pentacle reserves the right to proceed with suspension of a Volunteer as described below in Step 3 of the PRP. Conduct triggering such immediate action includes, but is not limited to, conduct potentially in violation of federal or Oregon criminal law or conduct inconsistent with Oregon Safety and Health Administration (“OSHA”) workplace regulations.

### **Factors Considered in the PRP**

Some of the factors that will be considered during the PRP include, but are not limited to:

1. Whether the offense is repeated despite coaching, counseling, or training;
2. The volunteer’s record;
3. The impact the conduct and performance issues have on the organization.

### **PRP Effect on Volunteer Relationship with Pentacle**

Nothing in this policy provides a Volunteer with contractual rights regarding volunteer discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Pentacle Theatre and its volunteers.

## **Procedure**

### ***Step 1: Counseling and verbal warning***

Step 1 creates an opportunity for Pentacle Theatre’s Executive Director to bring attention to the existing performance, conduct or attendance issue. The Executive Director will discuss with the volunteer the nature of the problem or the violation of Pentacle Theatre’s policies and procedures. The Executive Director will clearly describe expectations and steps the volunteer must take to improve their performance or resolve the problem.

Within five business days, the Executive Director will prepare written documentation of the verbal counseling. The volunteer is to sign this document to demonstrate their understanding of the issues and the corrective action.

### ***Step 2: Written warning***

The Step 2 written warning involves more extensive documentation of the performance, conduct or attendance issues and resulting consequences.

During Step 2, the Executive Director and a Pentacle Theatre Board representative will meet with the volunteer to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. The Executive Director and Board Representative will outline the consequences for the volunteer of their continued failure to meet performance or conduct expectations.

A formal corrective action plan or a conduct resolution agreement for volunteers, requiring the volunteer’s immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. The written warning may also include a statement indicating that the volunteer may be subject to additional discipline, up to and including expulsion or termination, if immediate and sustained corrective action is not taken.

### ***Step 3: Suspension and final written warning***

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the volunteer from the Pentacle Theatre environment and workplace. As described above in the Procedure Modification provision, Pentacle reserves the right to alter the sequential order of discipline described herein when conduct that jeopardizes the health, safety or welfare of any patron, volunteer, participant, employee or Board Member of the Pentacle Theatre requires immediate action, e.g. such as a Volunteer potentially violating federal or state criminal law or a Volunteer engaged in conduct inconsistent with OSHA workplace regulations. When immediate action is necessary to ensure the safety of the volunteer or others, the Executive Director and Pentacle Theatre Board may suspend the volunteer pending the results of an investigation. A member of the Pentacle Theatre Governing Board or a third party will conduct this investigation. Timely resolution is important. Generally, an investigation will be completed within 30 days of being initiated, unless the situation results in it being referred to a third party or other factors requiring additional time.

Suspensions that are recommended as part of the normal sequence of the progressive resolution policy and procedures are subject to approval from the Pentacle Theatre Board.

### ***Step 4: Recommendation for termination of volunteer relationship***

The last and most serious step in the progressive resolution process is a recommendation to terminate the volunteer. Generally, Pentacle Theatre will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning or suspending the volunteer from the Pentacle Theatre environment before proceeding to a recommendation to terminate the volunteer. However, Pentacle Theatre reserves the right to alter the PRP depending on the circumstances of each situation and the nature of the offense. Furthermore, volunteers may be terminated without prior notice or disciplinary action.

### **Appeals Process**

Nothing in this section confers a right to Volunteers to a disciplinary response described above, nor does initiating the appeal process confer a right to a particular outcome. However, to the extent an appeal process is appropriate, Volunteers will have the opportunity to present evidence to dispute information used to issue disciplinary action. Though presentation of evidence during this process need not necessarily be formal, communication regarding and a request for an appeal must be done in good faith. Moreover, that a request for an appeal is communicated by a Volunteer to the Executive Director or the Board does not guarantee an appeal or a requested outcome. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the volunteer's performance or conduct issues while allowing for an equitable solution. Pentacle reserves the right to grant an appeal or receive evidence at its discretion.

If the volunteer does not present this information during any of the meetings related to the Steps described above, they will have five business days after each of those meetings to present such information.

### **Performance and Conduct Issues Not Subject to Progressive Resolution**

As mentioned in the Procedure Modification provision above, behavior that is illegal is not subject to progressive resolution and may result in immediate termination. Such behavior may be reported to local or federal law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence on Pentacle Theatre property (including the theater grounds and downtown office space) or in the course of Pentacle-sponsored activities are also not subject to progressive resolution and may be grounds for immediate termination consistent with related provisions in other Pentacle policies.

### **Documentation**

The volunteer will be provided copies of all progressive resolution documentation where practicable or appropriate. The volunteer will be asked to sign copies of this documentation attesting to receipt and understanding of the corrective action outlined in these documents. Notwithstanding such receipt and signature, Pentacle reserves the right to amend disciplinary decisions as appropriate given the circumstances.

Copies of these documents will be confidential and retained in Pentacle Theatre's records. Members of the Governing Board may review these documents, subject to maintaining their confidentiality. Consistent with Oregon law, inadvertent dissemination or disclosure of such records does not constitute a breach of contract, nor does maintenance of such documentation constitute a special relationship between Pentacle and Volunteers.