

COMMUNITY PLAYERS

PRODUCTIVE THEATRE ENVIRONMENT PROGRAM

COMPREHENSIVE POLICY PROHIBITING SEXUAL HARASSMENT AND CHILD ABUSE/MOLESTATION

Community Players
Productive Theatre Environment Program
Comprehensive Policy Prohibiting Sexual Harassment and Child Abuse/Molestation

PURPOSE:

The purpose of this program is to reduce the liability risk and related negative publicity, expense, and trauma to Community Players and of course to the children and families we serve. The likelihood of problems can be reduced by making the environment unsuitable for sexual harassers, sexual predators, and/or abusers. This program will key in on education, volunteer screening, policies, and program administration.

It is the policy of Community Players to promote a productive theatre environment that is free from all forms of discrimination, including sexual harassment and/or sexual abuse. The behavior of any staff member, director, volunteer, etc. which fits the definition of sexual harassment and/or sexual abuse is a form of misconduct which may result in disciplinary action up to and including dismissal. Sexual harassment and/or sexual abuse could also subject Community Players and, in some cases, an individual to substantial civil penalties.

Community Players policy on sexual harassment is part of its overall efforts pursuant to state and federal law prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender. Specifically, the Civil Rights Act of 1964 and the Illinois Human Rights Act prohibit sexual harassment.

Each governor, production staff member, Board member, employee, volunteer, etc. of Community Players bears the responsibility to refrain from sexual harassment and/or sexual abuse within the theatre environment. No person, male or female, should be subjected to unsolicited or unwelcome sexual overtures or conduct within the activities of Community Players. Furthermore, it is the responsibility of all governors, production staff members, Board members, employees, volunteers, etc. to make sure that Community Players is free from sexual harassment and/or sexual abuse. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be prevented or else eliminated. Claims of sexual harassment will be investigated in a prompt and effective manner.

All governors, production staff members, Board members, employees, and volunteers of Community Players, particularly those in a supervisory or management capacity, are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.

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DEFINITIONS:

Adult: A person who is (i) 18 years of age or older or (ii) an emancipated minor under the Emancipation of Mature Minors Act. (750 ILCS 30/1)

Annual: Theatre season from June to May

Child Abuse: Verbal abuse (ridicule or put-downs), physical abuse (any hurting, touching, or excessive exercise used as punishment), emotional abuse (threats to perform unreasonable tasks), and sexual abuse.

Criminal Background Check (CBC):

CBC's will provide all misdemeanor and felony information (not just sex offenses) that Community Players shall take into account in the disqualification process. CBC's show offenses that go back a minimum of 7 years, but much longer in most cases. Also, CBC's do not rely on third parties to enter information into the database. This data entry happens automatically as part of the judicial process. Community Players shall use CBC's in the volunteer screening process.

Harassment: It is to create an unpleasant or hostile situation by an uninvited and unwelcome verbal or physical conduct. Harassment can be based on race, sex, national origin, religion, age, or disability.

Hostile Environment Sexual Harassment:

An employee is exposed to an environment pervaded by sexual, lewd, or profane remarks, body touching, obscene or nude photographs, or other offensive conduct.

Minor: A minor is a person under 18 years of age. (325 ILCS 45/2)

Quid Pro Quo Harassment: An exchange of something of value between two parties, or literally, "this for that." This type of harassment occurs when a director, supervisor, staff

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member, volunteer, etc. will promise or withhold opportunities as a means of coercing sexual favors.

Sexual Abuse/Conduct: Refers to a wide spectrum of interactions including unwanted physical sexual contact, unwelcome sexually explicit or offensive verbal communication, rape, physical assault, sexual battery, coercive or exploitive sexual contact, verbal sexual harassment, and/or sexualized attention or contact with a minor.

720 ILCS 5/12-12(e) defines sexual conduct as “any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age for the purpose of sexual gratification or arousal of the victim or the accused.”

Sexual Harassment: Any unwelcome sexual advances or requests for sexual favors or any conduct of sexual nature when: “(1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or; (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment” (Illinois Human Rights Act).

Sexual Offender Registry Check (SOR):

SOR checks are currently available on the Internet for free in 43 states. Each state determines its own definition of what constitutes a sex offender. In Illinois, 730 ILCS 150/2 (a) defines a sex offender as a person who has been criminally charged and convicted of, or has pled guilty to, a sex crime. SOR information only goes back to the mid 1990’s in most states. SOR’s will never indicate other serious criminal history such as murder, armed robbery, etc. For the reasons listed above, a not-for-

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profit organization such as Community Players should not rely on a SOR check. Instead, only a criminal background check (CBC) should be used.

Volunteer: Citizens who perform the various functions entailed in the running of a theatre production without pay including officers and directors, committee personnel, coaches, managers, staff, etc.

RESPONSIBILITY OF COMMUNITY PLAYERS STAFF/VOLUNTEERS

Each individual governor, production staff member, Board member, employee, volunteer, etc. has the responsibility to refrain from sexual harassment and/or sexual abuse in the theatre environment.

An individual member who sexually harasses or sexually abuses a fellow staff member and/or volunteer is, of course, liable for his or her individual conduct.

The harassing staff member and/or volunteer will be subject to disciplinary action up to and including discharge in accord with Community Players disciplinary policy. In addition, Community Players may refer claims of such conduct to the public authorities, such as the police, for investigation.

Community Players has designated the Membership Chair to be the Conduct Official to coordinate Community Players Productive Theatre Environment policy compliance. The Membership Chair is available to consult with staff and volunteers regarding their obligations under this policy.

RESPONSIBILITY OF DIRECTORS/MANAGERS/SUPERVISORS

Each governor, production staff member, and/or Board member is responsible for maintaining Community Players free from sexual harassment and/or sexual abuse. This goal is accomplished by promoting a professional environment and by dealing with sexual harassment and/or sexual abuse as with all other forms of staff and volunteer misconduct.

The courts have found that not-for-profit organizations as well as directors, managers, and supervisors can be held liable for damages related to sexual harassment and/or sexual abuse by all parties involved within the organization. This exposure includes the director, manager, and/or supervisor. These individuals can also be held liable for the actions of persons who are not associated with Community Players, such as repair persons or spectators who are considered to be third parties.

Liability is either based on the responsibility of Community Players to maintain a certain level of order and discipline, or on the governors, production staff members,

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and/or Board members acting as an agent of Community Players. As such, governors, production staff members, and/or Board members must act quickly and responsibly not only to minimize their own liability but also that of Community Players.

Specifically, a governor, production staff member, and/or Board member must address an observed incident of sexual harassment, sexual abuse, or a complaint, with seriousness, take prompt action to investigate it, report it, and end it, implement appropriate disciplinary action, and observe strict confidentiality. This rule also applies to cases where a production staff member or volunteer tells a governor, production staff member, and/or Board member about behavior that may constitute sexual harassment but does not want to make a formal complaint.

In addition, governors, production staff members, and/or Board members must ensure that no retaliation will result against a staff member or volunteer making a sexual harassment or sexual abuse complaint.

Governors, production staff members, and/or Board members in need of information regarding their obligations under this policy or procedure to follow upon receipt of a complaint of sexual harassment should contact the Membership Chair as Conduct Official.

CONDUCT CONSIDERED TO BE SEXUAL HARRASSMENT

- 1) *Verbal:* Sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
 - “That’s an attractive dress. You really fill it out well.”
- 2) *Non-Verbal:* Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls,” “smacking” or “kissing” noises.
- 3) *Visual:* Posters, signs, pin-ups or slogans of sexual nature
- 4) *Physical:* Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

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PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT

A production staff member, employee and/or volunteer who either observes or believes herself/himself to be the object of sexual harassment or sexual abuse should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the Conduct Official, governor, production staff member, and/or Board member and to the offending production staff member, employee, or volunteer.

Each incident or claim of sexual harassment or sexual abuse should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by whom. The documentation may be augmented by written records such as letters, notes, memos, and telephone messages. The Conduct Official is responsible for maintaining their records in a comprehensive and confidential manner.

No one making a complaint of sexual harassment or sexual abuse will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of sexual harassment is also protected from retaliation.

PROCESS OF MAKING A SEXUAL HARASSMENT COMPLAINT

1) *Direct Communication:* If there is sexually harassing behavior within the theatre environment of Community Players, the harassed staff member or volunteer should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

2) *Contact Supervisory Personnel:*

At the same time direct communication is undertaken, or in the event the production staff member, employee and/or volunteer feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate Conduct Official, governor, and/or production staff member. If the harasser is a governor, and/or production staff member, the problem should be reported to the next level of responsibility. If the harasser is the top elected official then the problem should be reported to the General Counsel. Contact information may be found in the Appendix.

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3) *Formal Written Complaint:*

A production staff member, employee, and/or volunteer may also report incidents of sexual harassment directly to the Conduct Official whose responsibility is to counsel the reporting production staff member, employee, and/or volunteer and to be available to assist with filing a formal complaint. Community Players will fully investigate the complaint, and will advise the complainant and the alleged harasser of the results of the investigation.

ADDITIONAL PROCESSES

Community Players hopes that any incident of sexual harassment can be resolved through the internal process outlined above. All production staff members, employees, and/or volunteers, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with the IDHR must be filed within 180 days of the incident of sexual harassment. A charge with the EEOC must be filed within 300 days of the incident. Contact information may be found in the Appendix.

COMMUNITY PLAYERS POLICY ON ANTI-CHILD ABUSE/MOLESTATION

Limit One On One Contact: It is Community Players policy that no activities shall take place involving one on one between a single, non-related theatre volunteer and a child, if such activities can be practically avoided. Instead, a “buddy system” is required where at least two (2) adults shall always be present during practices, rehearsals, carpooling, and special events.

Touch Policy: Touch is acceptable only if it is “respectful and appropriate.”

Verbal Conduct Policy: Inappropriate comments of a sexual nature and suggestive jokes are prohibited.

Take Home/Pick-Up: Take home/pick-up of children by Community Players personnel is prohibited because of the difficulty in limiting one on one contact between adult and child (remember the Buddy System). Parent(s) should provide transportation for their own children to and from scheduled events. Community Players will clearly outline the

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expected start and end time for all events and communicate this with all parent(s). Parent(s) should be instructed to make back-up plans in the event they cannot provide transportation. If parent(s) cannot provide transportation they must communicate to Community Players the name of the person(s) who is authorized to pick up the child. Such policy will help to protect against potential abductions or being thrust into the middle of any custody dispute.

Child Abuse Prohibition: All forms of sexual, physical, verbal, and emotional abuse are prohibited.

Name Distribution: The distribution of directories with names, phone numbers, addresses, and pictures should be limited to persons on a “need to know” basis.

EXAMPLES OF ABUSE/MOLESTATION:

Emotional Abuse: Yelling or making the following statements:

- You’re stupid;
- You’re an idiot;
- You’re an embarrassment;
- You’re not worth anything; etc.

Physical Abuse: Besides the obvious examples of a director, actor, staff member, volunteer, etc. hitting, kicking, throwing equipment, or shaking a child, watch out for the following:

- Behaviors seem violent versus disciplinary;
- Practices/Rehearsals become abusive
- Fighting is encouraged or ignored;
- Directors allow children to become physically or verbally abusive;
- Behaviors result in injuries to other children; etc.

Sexual Abuse: An adult may not improperly sexualize touch by fondling instead of hugging (with permission), kissing, or seductive stroking of various body parts. On the other hand appropriate touching can be used when a young child needs comfort, reassurance, and support. Appropriate touch is respectful of a person’s personal boundaries and comfort level, public (done in front of others and not secretly), and nurturing (not sexualized).

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- Misuse of power and authority;
- Misuse of love and affection;
- Manipulation or tricks;
 - *This is love;*
 - *This is what you need to be part of the organization;*
 - *This is what we do for initiation.*
- Grooming: Desensitization that begins with appropriate touch, then the touch changes. Examples:
 - *You liked the touch before;*
 - *What's wrong? Don't you trust me?; or*
 - *Courting (gifts, time, attention);*
 - *Romancing (talking of love or attraction);*
 - *Line (you're special, I don't usually do this sort of thing, you're so mature, you're so attractive); or*
 - *Secrets (this is our special secret, others wouldn't understand, you or I would get in trouble)*

WARNING SIGNS OF ABUSE/MOLESTATION

With some forms of abuse, there may be physical indicators (e.g. with physical abuse, bruises, welts, broken bones) or with sexual abuse (venereal diseases, genital swelling/soreness, difficulty sitting or walking, pain or itching when urinating or defecation, stomach aches, pain/itching in genital area, and frequently unexplained sore throats). But most often the effects of sexual abuse are less obvious. For example, sudden shifts in behavior or attitudes, such as when an outgoing child suddenly builds a protected, closed wall or a generally happy child becomes aggressive and angry or a trusting child becomes fearful may be an indication of abuse.

Please note that no indicators or symptoms are absolute. Many of these signs could be indicators of problems other than child abuse. However, if some of these things are going on, consider them to be a red flag. One difficulty is that some signs are ambiguous. Children may respond in different ways and some may show no sign at all. Some indicators include:

- Disclosure by child. Most children will not just come out and say they have been abused, but instead, many hint at it.
- Observations, complaints, concerns, or allegations about volunteers.
- Attitudes/behaviors expressed on the part of an adult that may be associated with inappropriate or abusive behavior (racist, poor sense of child development, raging temper, extremely controlling, jealous, hypersensitive, poor sexual boundaries, bullying, intimidating manner, unrealistic or inappropriate training practices and risks, etc.)
- Unexplained/unlikely explanation of injuries.
- Extreme fear of a volunteer;

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- Extremely low self-esteem or self worth;
- A child's attachments to a director, manager, staff member, volunteer, etc. to the point of isolation from others.
- A child that misses a lot of practices with suspicious explanations or excuses.

Despite increased sensitivity to abuse, there is still a tendency to blame the victims instead of holding the person(s) accountable who:

- Lost their temper;
- Got a little out of control;
- Were just having a dispute;
- Misinterpreted the touch;
- Is really a wonderful person; etc.

LISTEN TO WHAT THE CHILD IS SAYING.

ALLEGATIONS OF ABUSE/MOLESTATION AND OTHER POLICY VIOLATIONS

Point of Contact: The Conduct Official is the appropriate person to whom all reports of child abuse/molestation should be reported. In the event that the Conduct Official is the alleged abuser/molester, the report should be made to the President of Community Players.

Assessing the Seriousness of the Situation: It is useful to differentiate between:

Concern: When the person just needs to be heard and have some information clarified.

Complaint: When the person needs you to listen and may or may not want action taken if he or she feels you listened.

Allegation: Clarify if the allegation is:

- Appropriate, but unappreciated act;
- Inappropriate act, but no illegal act;
- Illegal act that needs to be reported to law enforcement.

Disclosure: When the person tells you that abuse occurred or based on their actions gives you reason to believe abuse has occurred.

The Conduct Official must take the appropriate action depending on where the situation falls in the above mentioned categories.

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Information Gathering:

Upon receipt of a disclosure of child/sexual abuse or of a policy violation, the Conduct Official should gather all pertinent facts in a fair, respectful, and confidential manner and review them with both the accuser and accused. All such disclosures must be brought to the attention of the Board of Governors.

The Conduct Official must immediately report to the authorities when there is reasonable cause to believe that physical abuse or sexual abuse has occurred. At this point, the Conduct Official should never investigate, as this is the role of the law enforcement authorities. Furthermore, allowing the law enforcement authorities to investigate helps to shield Community Players against potential lawsuits for defamation of character.

Reporting Findings to the Board:

The findings of the Conduct Official shall be reported to the Board of Governors and all proceedings shall be confidential. If the alleged abuser or policy violator admits to the conduct, the Board can employ the most appropriate punishment. If the alleged abuser or policy violator denies the conduct, the Board can conduct further investigations (except when reasonable cause of physical or sexual abuse exists then that should be reported to the authorities) deemed necessary prior to rendering any appropriate punishment or exoneration.

Suspension:

Less egregious conduct on the part of the volunteer will result in a written reprimand. A second written reprimand in a three (3) year time period will result in the volunteer no longer being able to participate in Community Players programs. More egregious conduct will result in both a written reprimand and suspension until the conclusion of the current production. A second suspension in a three (3) year time period will result in termination of the volunteer's involvement with Community Players.

Termination:

All volunteers are subject to immediate termination of their involvement based on the disqualification criteria outlined below.

Duty to Disclose/Immunity/Confidentiality:

All volunteers may be required by state law to report suspected cases of child/sexual abuse. Any person(s) who makes or participates in the making of a good-faith report of abuse/neglect, participates in the investigation, or in judicial

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proceedings shall in so doing be provided with complete and absolute immunity from civil liability.

The identity of the volunteer reporting a case of suspected child/sexual abuse should not be revealed. All records and reports concerning investigations and their outcome are protected by various confidentiality laws. Unauthorized disclosure of such records is a possible criminal offense which could subject the violator to fines and/or imprisonment.

VOLUNTEER SCREENING

Volunteer Application and Consent/Release Form:

The attached application entitled “Volunteer Application” must be completed, signed, submitted, and processed on an annual basis as a condition of working at the theater.

All volunteers must complete the “Volunteer Application.” This requirement includes but is not limited to all directors, actors, staff members, production crew, etc. Refusal to comply will result in immediate dismissal from Community Players even if the volunteer has been allowed to participate in the past.

The Conduct Official will review all such applications, may conduct a Criminal Background Check, may conduct a follow-up interview to clarify questions, and will decide whether or not the candidate is disqualified based on this information.

Disqualification Criteria:

Community Players must adopt its disqualification criteria in writing below before the Criminal Background Checks are run.

Individual volunteers found to be guilty of the following crimes will be disqualified as a volunteer as outlined below. Guilty means the applicant was found guilty following trial, entered a guilty plea, entered a no contest plea accompanied by the court’s finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal, or in an entry of *nole contendre*.

1. Ever Found To Be Guilty Of:
 - All sex offenses including child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.

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- All felony violence including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
2. Found To Be Guilty Within The Past 10 Years Of:
 - All felony offenses other than violence or sex including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
 3. Found To Be Guilty Within The Past 7 Years Of:
 - All misdemeanor violence offences including simple assault, battery, domestic violence, hit and run, etc.
 4. Found To Be Guilty Within The Past 5 Years Or Multiple Offenses In The Past 10 Years Of:
 - Misdemeanor drug and alcohol offenses including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

Should any pending charges described in 1-3 above be uncovered, or should any of the above charges be brought against an applicant during the season, the applicant shall be suspended from serving until such time as the charges have been cleared or dropped and the Board of Governors has approved reinstatement.

Criminal Background Check:

After receiving the “Volunteer Application,” the Conduct Official may conduct a Criminal Background Check with the selected vendor (e.g. Intellicorp or SSCI) and will search records in all current and past counties of residence of the volunteer. This procedure is confidential and only the Conduct Official will have access to the records. The Conduct Official will decide whether or not the candidate is disqualified based on the findings and the predetermined disqualification guidelines that have been set in writing by Community Players.

Appeals:

Candidate(s) disqualified due to an unsatisfactory Referral or Criminal Background Check and/or other reason(s) will be given the right to appeal upon written notification to the Conduct Official.

The Board will appoint three (3) board members to hear the appeal and they will recommend to the full Board whether or not to uphold or overturn the decision of the Conduct Official. As a compromise, the appeal committee may decide to reassign a candidate to a more appropriate position or to place the candidate under a probationary

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period. The results of all criminal background checks and appeals will be kept confidential.

Acknowledgment Of Training:

All volunteers who have been accepted must read Community Players Child Abuse/Molestation Risk Management Program and must agree to abide by the rules.

Periodic Review:

The Board shall review the Community Players Productive Theatre Environment Program at least annually. Any change requires Board approval.

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201 Robinhood Lane
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Phone: (309) 663-2121
Fax: (309) 662-2982
E-mail: community.players@verizon.net

APPENDIX

Membership Chair/Conduct Official

Barb Lemmon Conduct Official Email: barb.lemmon@comcast.net

Board of Governors:

Cathy Sutliff	President	Email: clsutliff@verizon.net
John Lieder	Vice President	Email: lieder78@cpahoc.com
Judy Smith	Secretary	Email: catwomanjudy@yahoo.com
Mark Kazzaz	Treasurer	Email: markkazzaz@gmail.com
Carol Plotkin	Theatre Craft	
Brian Artman	Theatre Tech	Email: brian.artman.jehl@statefarm.com
Tom Smith	Play Reading	Email: tasmithtashmith@yahoo.com
Kameron Cox	Box Office	
Michael Franks	House and Grounds	Email: m.franks@verizon.net
Chris Strupek	Marketing	Email: cstrupek@comcast.net
Barb Lemmon	Membership	Email: barb.lemmon@comcast.net
Bruce Parrish	Historian	Email: kparrish@gte.net
Carolyn Beyer	Emeritus	
Stuart Cartwright	Webmaster	

Illinois Department of Human Rights:

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Chicago Department of Human Rights
James R. Thompson Center
100 West Randolph Street, Suite 10-100
Chicago, Illinois 60601

Springfield Department of Human Rights
222 South College, Floor 1
Springfield, Illinois 62704

Phone: (312) 814-6200
(312) 263-1579 (TDD)

Phone: (217) 785-5100
(217) 785-5125 (TDD)

Fax: (312) 814-1436 (Administration)
(312) 814-2397 (Compliance)

Fax: (217) 785-5106

Marion Department of Human Rights
Marion State Regional Office Building
2309 W. Main Street, Suite 112
Marion, IL 62959

Phone: (618) 993-7463
Fax: (618) 993-7464

U.S. Equal Employment Opportunity Commission (EEOC):

U.S. Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, D.C. 20507

Chicago District Office
500 West Madison Street
Chicago, Illinois 60661

Phone: (202) 663-4900
TTY: (202) 663-4494
Toll Free: (800) 669-4000

Phone: (800) 669-4000
Fax: (312) 886-1168