

WSC Harassment Policy and Complaint/Investigation Procedure

(as of October 2019)(ver. 6/5/2020)

Objective

Willamette Sailing Club is committed to providing a safe, positive and inclusive environment for its members, guests, employees, and the youth sailing community. To that end, the Club prohibits all forms of harassment and bullying. Members, guests, employees, and youth sailors found to have engaged in prohibited harassing or bullying behavior are subject to discipline or other sanctions as set forth in more detail in this policy. The purpose of this policy is to outline what the Club considers prohibited and offensive conduct, and to provide procedures for reporting prohibited harassment or bullying, to describe procedures for investigation of reported harassment or bullying, and to set forth what actions the Club may take to discipline or sanction anyone found to violate this policy.

Scope

This policy applies to behavior on Club premises or at any Club-sanctioned or Club-sponsored event. The policy applies to Club members, guests, youth sailors using Club facilities, and all Club employees. It also applies to any vendors or contractors visiting Club premises or engaged to work at any Club-sanctioned or Club-sponsored events. For employees, the policy applies without regard to whether the prohibited behavior occurs on or off Club premises and without regard to whether the behavior occurs during the employee's working hours.

Definitions of Prohibited Conduct

Harassment, including sexual harassment, and bullying are prohibited on Club premises or at any Club-sanctioned or Club-sponsored events. Retaliation against anyone who reports conduct prohibited under this Policy is itself prohibited.

"Harassment" includes all forms of harassment, including, but not limited to, sexual harassment and harassment on the basis of race, religion, gender identification, national origin, age, or any other protected class status under either state or federal law. Inappropriate touch, jokes, slurs, gestures, demeaning remarks, asides or whispered comments regarding someone's sexual orientation, religion, color, race, etc. are prohibited.

"Sexual harassment" includes all of the following:

- Unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with a member, guest, or youth sailor's enjoyment of the Club, the sailing community, or the sport of sailing more generally; and
- Unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile or offensive working environment. This specifically includes unwelcome sexual advances, touch, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:
 - a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be physical and psychological in nature. A series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

"Bullying" means any behavior where any imbalance of power is used by one or more persons (the bully or bullies) to repeatedly and aggressively threaten, intimidate, verbally or physically attack, or otherwise demean or belittle another. This includes verbal bullying, such as teasing, name-calling, taunting, or threatening to cause harm; social bullying, such as leaving someone out on purpose, telling others not to be friends with someone, spreading rumors, or embarrassing someone in public; and physical bullying, such as hitting, kicking, punching, tripping, spitting, making rude gestures, or taking or damaging one's possessions. Further, acts of bullying may occur in person or via social media ("cyberbullying") or both.

Examples of prohibited sexual harassment

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to a member, youth sailor, employee, or any other person for submitting to sexual conduct, including soliciting or attempting to solicit sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, a member, youth sailor, employee, or any other person to unwelcome sexual attention or conduct.
- Intentionally making performance of an employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere on Club premises or at Club-sanctioned or Club-sponsored events.
- Retaliation for sexual harassment complaints.

Responding to Conduct in Violation of Policy

Under this Policy, the Club will investigate any reports (complaints) of prohibited conduct and take appropriate remedial action where an investigation shows more probable than not that prohibited conduct has occurred.

Any Club member, guest, youth sailor, or Club employee may report prohibited harassment or bullying to the Club Manager or to the Club Commodore, Vice Commodore, Rear Commodore, or Secretary. Any Club employee who has either witnessed or received a report of prohibited conduct from a Club member, guest, youth sailor, or Club employee must report such conduct to the Club Manager, Club Commodore, Vice Commodore, Rear Commodore, or Secretary. There are multiple avenues for reporting. Under no circumstances should anyone make an initial report of prohibited conduct to the alleged perpetrator.

When the report is made to the Club Manager, the Manager shall inform the Board of Directors of the report no later than the next scheduled Board meeting. In cases involving sexual harassment of youth sailors, the Manager shall inform the Board of Directors as soon as possible.

Complaints Involving Members or Guests

In any case involving alleged harassment or bullying by a member or guest, the Board or a committee appointed by the Commodore (or other official as permitted by the Bylaws) shall investigate or otherwise cause an investigation to occur. The Board or duly appointed committee may employ the Club Manager or, in appropriate circumstances, an outside entity to lead or assist in the investigation. The results of any investigation not conducted by the Board itself shall be reported to the Board. Based on the results of the investigation, the Board may take remedial action including, but not limited to, temporary or permanent exclusion of a guest from Club premises or Club-sanctioned or Club-sponsored events, suspension of a member's privileges, or recommendation to the membership that the member be expelled.

Complaints Involving Employees

In any case involving alleged harassment or bullying by an employee, the Board or a committee appointed by the Commodore (or other official as permitted by the Bylaws) shall investigate or otherwise cause an investigation to occur. The Board may delegate its duties with respect to investigation and discipline of employees to the Club Manager. In appropriate circumstances, the Board or duly appointed committee may engage an outside entity to lead or assist in the investigation. The results of any investigation not conducted by the Board shall be reported to the Board. Based on the results of the investigation, the Board may take or otherwise authorize remedial action including, but not limited to, issuing a warning to the employee, suspending the employee, or terminating the employee's employment. In cases where the Board has delegated its duties with respect to discipline to the Club Manager, the Club Manager may similarly take remedial actions including, but not limited to, warning, suspending, or terminating the employee.

Complaints Involving Youth Sailors

In any case involving harassment or bullying among youth sailors, the Club Manager shall investigate. The Club Manager may delegate the investigation to other Club staff. Following the

investigation, the Club Manager may take remedial action including, but not limited to, suspending the youth sailor's privileges or, upon approval by the Board, permanently excluding the youth sailor from Club premises or participation in Club-sanctioned or Club-sponsored activities. In appropriate circumstances, the Club Manager may refer the matter to the police or other authorities for criminal investigation.

Sexual Harassment of Youth Sailors

In any case involving sexual harassment of one or more youth sailors by an adult member or guest or by any employee (regardless of age), such as a coach, the Board or a committee appointed by the Commodore (or other official as permitted by the Bylaws) shall investigate or otherwise cause an investigation to occur. The Board may delegate this investigation to the Club Manager. The results of any such investigation not conducted by the Board itself shall be reported to the Board. Based on the results of the investigation, the Board may take any of the remedial actions described in the sections above, based on the status of the perpetrator (member, guest, employee, etc.). If, based on the Board's or Club Manager's investigation, there is reason to believe that conduct that is either criminal or otherwise particularly egregious has occurred, the Board may engage an outside entity to conduct a further investigation. Where appropriate and warranted based on facts known to the Board, the Board shall refer the matter to the police or other authorities for criminal investigation.

Confidentiality

All inquiries, reports, and investigations are treated with discretion and in a timely manner; however some sharing of the information may be necessary to fully investigate or address the complaint. Information is revealed strictly on a need-to-know basis. However, the identity of the complainant usually must be revealed to the alleged harasser or bully and any witnesses. All information pertaining to a harassment or bullying complaint or investigation shall be kept by the Board or Club Manager in confidential files.