

## Sexual Harassment

The Board is committed to the organization being free of sexual harassment. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of members, staff or third parties by other members, staff, Board members or third parties.

### Definitions

1. "Organization" includes facilities, premises and property in use by or under the control of the Organization, if the member or staff is at any event approved activity or function related to the Organization, Drum Corps International, or WGI where members are under the control of the Organization or where the staff member is engaged in Organization business.
2. "Third parties" include, but are not limited to, volunteers, parents/guardians, visitors, service contractors, or others engaged in Organization business, such as employees of businesses or organizations participating in cooperative programs with the Organization, and others not directly subject to Organization control at Drum Corps or WGI competitions or other events in which the Organization is involved.

Members whose behavior is found to be in violation of this policy will be subject to loss of privileges, and/or discipline, up to and including dismissal from the Organization. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal.

Third parties whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the CEO or Board of Directors (Board). The Organization may also report individuals to law enforcement if necessary or required by law.

This policy includes off duty conduct that causes substantial disruption to the Organization and its activities.

Sexual harassment of members and staff shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting a member or employment, including assignment of staff;
3. The conduct or communication is so severe, persistent or pervasive it has the purpose or effect of unreasonably interfering with a member's performance or with staff's ability to perform their job; or creates an intimidating, offensive or hostile environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex

of the complainant; whether the alleged harasser was in a position of power over the member or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment involving the same or other students or staff.

Examples of sexual harassment may include, but not be limited to, physical touching of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexting, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other members or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any member or staff who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report their concerns to the Organizational Director, CEO, or a compliance officer, who has overall responsibility for all investigations. A member may also report concerns to any staff or member of the Board of Directors, who will promptly notify the appropriate persons. The member, member's parents/guardians or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the member assignments or environment of a member complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the Organization against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the Organization to stop the sexual harassment, prevent its recurrence and address negative consequences. Members in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling, as appropriate. The age and maturity of the member(s) involved and other relevant factors will be considered in determining appropriate action. Staff in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the CEO or Board.

Additionally, the Organization may report individuals in violation of this policy to law enforcement officials. The CEO shall ensure appropriate sexual harassment awareness training or information is provided to all staff, volunteers and members and that annually, the name(s) and position(s) of Organization officials responsible for accepting and managing sexual harassment complaints, phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all members, parents/guardians of members and staff via reference in member and staff handbooks, as well as on the Organization's website. This policy shall be posted on the Organization's website.

The CEO or designee will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

ORS 659.850

ORS 659A.006

ORS 659A.029

ORS 659A.030

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).