

## **Austin Humanist Community Sexual Harassment Policy and Complaint Procedures**

### **Policy Statement**

Austin Humanist Community (AHC) is committed to providing a safe and respectful environment for all its members. AHC has a zero tolerance policy for any form of sexual harassment. All allegations will be taken seriously, investigated promptly, and handled with respect to all involved parties. Confidentiality will be prioritized. The purpose of this policy is to define sexual harassment and provide procedures for the investigation of sexual harassment claims.

### **Scope**

This policy and procedure applies to all Austin Humanist Community (AHC) members and visitors, including directors and Board members. Violators will be subject to severe discipline, up to and including dismissal from AHC for sexual harassment. Any sexual misconduct that does not occur at an AHC event is also within the scope of this policy and complaint procedure if the complainant and the subject of the complaint are AHC members. Interactions via social media are also within this scope. AHC officers, members, and visitors who violate this policy are subject to appropriate discipline.

### **Definition of Sexual Harassment**

Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to create an intimidating, hostile or offensive environment. Sexual harassment can be physical and/or psychological in nature. The aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be considered harassment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- A. 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, patting, grabbing, or brushing against another's body.
- B. Unwanted sexual advances, propositions or other sexual comments, such as sexually oriented gestures, jokes, or comments about a person's sexuality or sexual experience (especially when directed at or made in the presence of any person who indicates or has indicated in any way that such conduct in his or her presence is unwelcome).

- C. Preferential treatment or promises of preferential treatment to another person for submitting to sexual conduct, including soliciting or attempting to solicit a person to engage in sexual activity for compensation or reward.
- D. Unfavorable treatment, or the threat of unfavorable treatment for refusal to submit to sexual conduct.
- E. Subjecting, or threatening to subject another person to unwelcome sexual attention because of that person's sex or sexual orientation.
- F. Sexual or discriminatory displays or publications anywhere in AHC spaces or at AHC events.
- G. Electronic media contact without prior in-person conversation or consent to contact. This includes but is not limited to email, social media (Facebook, Meetup, etc.), and text/phone.
- H. Retaliation for sexual misconduct complaints.

## **Responsibilities of AHC Members**

### **AHC Members and Participants**

If a person believes that they have been subjected to sexual harassment or any unwanted sexual attention at an AHC event, they should make their unease and/or disapproval directly and immediately known to the harasser whenever possible. If the situation is not immediately resolved or if the person is unable to or uncomfortable to address the alleged harasser directly, he or she should report the incident to an AHC Board member. The Board of Directors cannot assist in stopping the harassment from continuing if it is unaware of the problem. Contact information for the Board members can be found on the website, [www.austinhumanist.org](http://www.austinhumanist.org).

It is important to report concerns of sexual harassment or inappropriate sexual conduct, regardless of the seriousness, to an AHC Board member as soon as possible. Any AHC member who becomes aware of a sexual misconduct situation, even if they are not personally involved, should report their concerns to a Board member.

### **AHC Board of Directors**

The Board of directors shall designate one member of each gender (depending on the preference of the complainant) to be responsible for the following:

- Publicizing the harassment policy and complaint process. This should include a quarterly reminder of AHC's policy at a Sunday gathering.
- Ensuring that both the individual filing a complaint and the accused individual are made aware that a sexual harassment complaint has been received, and that appropriate action will be taken.
- Explaining AHC sexual harassment policy and investigation procedures to the parties who are involved in the complaint.
- Documenting the complaint and the response of the person who has been accused of harassment. (In the event of a major offense, the accused party may

be asked to refrain from contact with others until the complaint has been resolved).

- Exploring informal means of resolving minor sexual harassment complaints.
- Encouraging complainant to notify the police if criminal activities are alleged.
- Conducting, or arranging for, an investigation of the complaint and the preparation of a written report.
- Reviewing the report with the Board of directors, reaching a decision about the appropriate action, and notifying the parties involved of the decision.

### **Complaint Procedure**

Any person who experiences or has witnessed an incident of sexual harassment should report to a Board member as soon as possible following the incident. At that time the incident will be addressed using the resolution procedure.

### **Resolution Procedure**

Incidents of sexual harassment or inappropriate sexually oriented conduct should be reported following the above complaint procedures.

1. Complaint is brought to a Board member.
2. Written Complaint: Two designated Board members will prepare a written summary of the complaint, which may include asking the person reporting the incident to verify the accuracy of the document. To ensure the prompt and thorough investigation of a sexual harassment complaint, the person reporting the incident should provide as much of the following information as is possible:
  - The name of the person or persons allegedly causing the harassment.
  - A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
  - The names of other persons who might have been subject to the same or similar harassment.
  - Any steps the complainant may have taken to try to stop the harassment.
  - Any other information the complainant believes to be relevant to the harassment complaint.
3. Suspension: The two designated Board members will have the authority to impose a temporary suspension of membership and participation if he/she feels it is needed for safety.
  - Suspension from membership and participation must be resolved by the AHC Board within three months, by reinstatement, extension, probation as defined by the Board, or expulsion according to the AHC By-Laws, or else the suspension ends.

4. Investigation: The two designated Board members will conduct an investigation including any relevant questions answered by the accuser, accused, and any witnesses.
5. Board Decision: All evidence will be brought to the Board in a closed meeting and a decision will be made based on a majority vote.
6. Notice: All parties involved will be made aware of the Board's decision in writing.
7. Implementation: Board's decision will be implemented following guidance from the Board. Discipline may include but is not limited to:
  - At a minimum the parties will be given a written reprimand/warning along with a copy of this policy.
  - No contact order
  - Probation as identified by the Board
  - Permanent expulsion from all future AHC activities and communications.

It often happens with sexual misconduct complaints that the person who allegedly engaged in an act of sexual misconduct denies the claim, and there is no verifiable evidence other than the complaint itself. In this case the Board will do its best to investigate and make a reasonable decision based on that investigation.

### **Appeals**

Appeals, whether for further investigation of potential offenses or for reinstatement, can be initiated by contacting any member of the AHC Board. Appeals will be resolved by the full AHC Board, or delegated to a non-leadership investigative committee, as appropriate to ensure a fair process and safe AHC community.

### **Actionable Evidence to Support Disciplinary Action**

If an investigation results in a finding that there is insufficient actionable evidence, and there is no history of sexual misconduct complaints to support disciplinary action, the person who allegedly caused the harassment shall be given in writing a copy of this Sexual Harassment Policy and complaint procedure with a letter emphasizing the seriousness of Sexual Harassment and the need for mutual respect to maintain an atmosphere of trust within the community. The complainant shall be given a copy of the letter that was addressed to the alleged harasser. The person who investigates the incident should clarify that the Board of Directors does not doubt the veracity of the complaint.

### **Criminal Actions**

In cases involving criminal activity such as rape, sexual battery, attempted assault, etc., the accused person's membership should be suspended, and they should be instructed in writing to avoid any further contact with person making the complaint

and with all other community members, and to no longer participate in AHC activities and communications until the situation is resolved. The person making the complaint should be strongly encouraged to file a complaint with the appropriate authorities. Every effort should be made to demonstrate our support and to assist them, including accompanying them to any legal proceedings where a friend would be admitted, such as filing the complaint, obtaining a protection order, etc.

In cases that do not involve a crime, the person investigating the complaint should attempt to discover whether the person being investigated has a past history of sexual misconduct complaints. The existence of one or more past complaints could be considered evidence of a pattern or sexual misconduct, and disciplinary action would be justified.

### **Confidentiality**

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. However, the identity of the complainant usually is revealed to the respondent and witnesses. The AHC Board must take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by the designated Board member in a secure file. Board members must answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

### **Other Available Procedures**

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under state or federal law.