

## **Sexual Harassment Policy for The Durham Savoyards, Ltd.**

### **The Policy Statement**

The Durham Savoyards, Ltd. (hereafter known as Savoyards) are committed to providing a safe environment free from sexual harassment for all members, volunteers, family and guests.

All sexual harassment is prohibited whether it takes place at private Savoyards events, including but not limited to: rehearsals, gignes or meetings; or public Savoyards events, including but not limited to: social events, performances or productions sponsored by the Savoyards but attended by members of the public.

The Savoyards will operate a zero-tolerance policy for any form of sexual harassment. All incidents will be treated seriously and respectfully. All allegations will be promptly investigated and no one will be victimized for making a good faith complaint. Any member found to have sexually harassed another member will face disciplinary action, which might include referral of the complaint to police or legal entities.

### **Definition of sexual harassment**

Sexual harassment is unwelcome conduct of a sexual nature by another person that makes a person feel offended, humiliated and/or intimidated.

Anyone can be a victim of sexual harassment, regardless of their gender and the gender of the harasser, and it may occur between people of the same gender. What matters is that the sexual conduct is unwelcome by the person confronted by the conduct.

The Savoyards recognize that sexual harassment can be a manifestation of power relationships and often occurs within unequal relationships.

Sexual harassment can involve one or more incidents and may be one or a mixture of physical, verbal and/or non-verbal actions. Examples of conduct or behavior which can constitute sexual harassment include, but are not limited to:

#### **[Physical conduct]**

- Unwelcome physical contact, e.g. patting, pinching, stroking, kissing, hugging, fondling, or other inappropriate touching
- Physical violence including sexual assault
- The use of threats or rewards to solicit sexual favors

#### **[Verbal conduct]**

- Comments, stories, or jokes of a sexual nature
- Sexual advances
- Unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the person
- Condescending or paternalistic remarks
- Sending sexually explicit messages (via any medium)

#### **[Non-verbal conduct]**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling/Leering at another person

## **Process**

Anyone who is subject to sexual harassment may immediately inform the alleged harasser that the conduct is unwanted and unwelcome; however, the Savoyards recognize that it is not required and indeed may not be feasible for a victim to confront the alleged harasser on their own.

If a victim cannot or does not want to directly approach an alleged harasser, they can approach any designated Savoyards member(s) responsible for receiving complaints of sexual harassment.

Each September, the newly elected Durham Savoyards' Board of Governors, hereinafter Board, will either re-designate or newly designate Savoyard member(s) to be responsible for receiving complaints of sexual harassment.

When one or more designated Savoyards member(s) receive a complaint of sexual harassment, they will promptly and impartially:

- make a record of the dates, times, and alleged facts of the incident(s)
- ascertain the views of the complainant as to what outcome is sought
- ensure that the complainant understands the organization's procedures for dealing with the complaint
- discuss the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the complainant nor the Savoyards from pursuing a formal complaint if they are not satisfied with the outcome
- keep the discussions as confidential as possible
- respect the choice of the complainant
- ensure that the complainant knows that they can lodge the complaint outside of the Savoyards through the relevant police or legal framework

## **Informal complaint mechanism**

If the complainant wishes to deal with the matter informally, the designated Savoyards member(s) will:

- ensure that the alleged harasser has an opportunity to respond to the complaint
- ensure that the alleged harasser understands the complaint mechanism
- facilitate, or refer to a chosen Savoyards facilitator, discussion between both parties to achieve an informal resolution which is acceptable to the complainant and the Savoyards,
- ensure that records are kept of all proceedings as confidentially as feasible
- ensure that there is follow up after the outcome of the complaint mechanism to determine if the behavior has stopped
- ensure that the above is done speedily and whenever feasible within 30 days of the complaint being made

## **Formal complaint mechanism**

If the complainant wants to make a formal complaint, or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant a more formal complaint mechanism at the discretion of the Board, might be used.

The designated person(s) who initially receives the complaint will refer the matter to the President of the Board to instigate a formal investigation. The President of the Board may deal with the matter him/herself, refer the matter to an internal or external investigator, or refer the matter to a committee of three others in accordance with this policy.

If the President of the Board is related to either party, lives in the same household as either party, or is the complainant or the named alleged harasser, then s/he will step aside for the Past President of the Board to deal with the matter him/herself, refer the matter to an internal or external investigator, or refer the matter to a committee of three others in accordance with this policy.

The person(s) carrying out the investigation will NOT:

- be related to either party
- be a member(s) of the same household as either party

The person(s) carrying out the investigation will:

- interview the complainant and the alleged harasser separately
- interview other relevant third parties separately
- identify areas of factual dispute
- identify mitigating circumstances, if any
- decide whether it is more likely than not that the alleged incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings of fact and of the weight of the evidence, and any recommendations
- if it is determined to be more likely than not that sexual harassment has taken place, decide with due consideration to the weight of the evidence and to the apparent degree of harm to the victim, and in consultation with the victim, what the most appropriate organizational response should be (responses might involve some measure of remedy for the victim and sanction for the harasser, and might include one or more of the following: an apology, decreased opportunity for interaction, training and/or counseling for the harasser, discipline, suspension, dismissal from the membership)
- follow up to document that the recommendation(s) are implemented, and whether or not the offending behavior has stopped and whether or not the victim is satisfied with the outcome
- if it cannot be determined that it is more likely than not that the harassment took place, a recommendation(s) may still be made to ensure proper functioning of the organization; ideally, both parties might be afforded a reasonable opportunity to participate in Savoyards activities, but with the potential for conflict minimized
- ensure that records are kept of all proceedings as confidentially as feasible
- ensure that the process is done as quickly as possible and whenever feasible within 60 days of the complaint being made

### **Outside complaint mechanisms**

A person who has been subject to sexual harassment can also make a complaint outside of the Savoyards. They can do so by contacting any appropriate police or legal entities.

### **Sanctions and disciplinary measures**

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to receive any or all of the following sanctions:

- verbal or written warning, which may be confidential
- removal from any group activity, which may be confidential
- removal from the membership, which may be confidential
- removal on temporary grounds subject to specified remedial acts, which may be confidential
- permanent dismissal, which will be made public

The nature of the sanctions will depend on the gravity and extent of the harassment, and the clarity of the evidence. The sanctions are independent of each other and should not be considered stepping

stones. Suitable deterrent sanctions may be applied to ensure that reports of sexual harassment, whether or not supported by the greater weight of the evidence, are not treated dismissively. Certain serious cases, including physical violence, may result in the immediate dismissal of the harasser.

### **Implementation of this policy**

The Savoyards will ensure that this policy is widely disseminated to all relevant persons, including but not limited to, being published on the Savoyards' website. All new members and participants in Savoyards' related performances/productions must be informed of the content of this policy as part of their acceptance of their role in performing/participating with the Savoyards.

It is the responsibility of every member to ensure that all participants are aware of the policy.

### **Monitoring and evaluation**

Each board member, each member designated to receive sexual harassment complaints, and each designated facilitator and/or investigator shall submit a summary log to be compiled by the Board annually, reviewing compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This report will be utilized by the Board to evaluate the effectiveness of this policy and to make changes as needed.

October 6, 2018