

# Boulder Rotary Club

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## Sexual Harassment Policy and Action Plan

### Statement of Policy on Sexual Harassment:

As stated in Article XIV, Section 1 of our Boulder Rotary Club ("BRC") Bylaws:

We are committed to providing a safe and harmonious Rotary Club environment which enhances the achievement of The Object of Rotary. At the core of our Rotary community is a spirit of mutual respect grounded in the Rotary Code of Conduct and the Four-Way Test. In this environment, all members and participants in Rotary activities have the right to be treated fairly and with respect. Accordingly, harassment and discrimination at any Club meeting, event, or activity, including sexual harassment, will not be tolerated.

### Purpose:

BRC endeavors to make sure all our members and all participants at all BRC meetings, programs, events and projects feel welcome and safe from intimidation, harassment, abuse, unwanted attention or contact from any other member or participant. All BRC members will actively seek to protect each other and all other participants from this type of harm. However, if an act of sexual harassment does occur, we want all our members to be prepared to act to stop the offensive behavior and help ensure it does not happen again.

In the event that such an incident arises, the purpose of this policy is to set out a procedure for a member or other party to make a complaint or to report a harassment incident, and to set out the process of bringing such an incident to the attention of BRC's Board of Directors. In the event of such a complaint being made or incident reported (an "Incident Report"), BRC is committed to informing the affected parties about the process and inform them about all substantial stages of the process as they arise and give them an opportunity to comment or participate as appropriate.

### What is not covered by BRC's Sexual Harassment Policy and Action Plan?

- **Immediate Threats:** In the event of an immediate criminal threat such as a sexual assault, or if someone is being physically harmed or in imminent threat of being harmed, immediately **call 911** and report the emergency. In the event of a non-emergency, the Boulder Police's non-emergency number is 303-441-3333.
- **Incidents against Protected Persons:** All incidents of harassment or sexual harassment against Protected Persons (as defined below) participating in a Rotary District 5450 or Rotary club sponsored program or event are covered by **Rotary District 5450's Abuse & Harassment Policy**, which may be found on District 5450's website ([www.Rotary5450.org](http://www.Rotary5450.org)), and are not covered by this policy.

**Who is covered by BRC's Sexual Harassment Policy and Action Plan?** This BRC Sexual Harassment Policy and Action Plan pertains to adult BRC members while participating in a BRC Event (as defined below).

## Accompanying Documents:

1. **BRC Sexual Harassment Action Plan**, which includes detailed information about the components of the Sexual Harassment Action Plan and the role of all parties involved in any report of sexual harassment, and
2. **BRC Sexual Harassment Action Plan Flowchart**, which is a visual explanation of this BRC Sexual Harassment Action Plan.

## Definitions:

“**BRC**” means Boulder Rotary Club, Boulder, Colorado

“**BRC Event**” -- BRC club meeting, BRC sponsored program, projects, fundraising events, and/or fellowship events.

“**BRC Member**” is an individual who is a current member of Boulder Rotary Club.

“**Harassment**” means any act, comment or display that, to a reasonable person, belittles, demeans or causes personal humiliation or embarrassment, or any act of intimidation or threat. It includes, for example, conduct, gestures, display or distribution of material, jokes or communication with which the actor intends to harass, annoy or alarm another person by reference to race, color, national origin, ethnic origin, age, sex, gender, physical characteristics, sexual orientation, marital status, or physical or mental disability.

“**Incident Report**” means a [written] complaint being made to BRC by an alleged victim or an incident witness regarding a BRC Member of a Sexual Harassment incident at a BRC Event.

“**Incident Team**” means a sub-team of the SH Response Team designated by the SH Response Team Chair, upon the filing of an Incident Report, to investigate an alleged incident.

“**Protected Person**” means any minor (less than 18 years of age), young adults (between 18 and 21 years of age) or vulnerable persons (individuals of any age who are impaired mentally, physically or developmentally).

“**Sexual Harassment**” means Harassment which is sexual in nature. Sexual harassment may take many forms. Definitions of specific behavior may change over time or through recognition of the impact of such behavior. Some examples of sexual harassment include (but are not limited to): sexual epithets, jokes, written or spoken references to sexual activity, deficiencies or prowess; verbal abuse of a sexual nature; display of sexually suggestive objects, picture or drawings, sexual leering or whistling, any inappropriate [or unwanted] physical contact such as brushing against or touching, obscene language or gestures, or suggestive or insulting comments.

“**SH Team Report**” means the report provided by the SH Response Team to the BRC Board of Directors.

“**SH Response Team**” means the team of BRC Members appointed by the BRC Board to respond to Sexual Harassment Incident Reports made against a BRC Member, to investigate such Incident Reports, and to prepare and provide a SH Team Report to the BRC Board of Directors in accordance with the BRC Sexual Harassment Action Plan.

## Information to BRC Members:

All BRC Members should be informed of our Sexual Harassment Policy and Action Plan so that they know what to do if they witness or are the victim of an act of Sexual Harassment at a BRC Event and want to bring it to the attention of BRC leadership and/or make a complaint to BRC against a BRC Member regarding Sexual Harassment.

As part of BRC's process of informing all of its Members, BRC will:

1. Provide all members with a copy of BRC's Sexual Harassment Policy and Action Plan once it has been adopted by BRC Board of Directors.
2. Include the Sexual Harassment Action Plan in orientation materials for new BRC Members.
3. Include a link on the BRC website ([www.boulderrotary.org](http://www.boulderrotary.org)) to BRC's Sexual Harassment Action Plan, as well as to Rotary District 5450's Abuse & Harassment Policy (which applies to Protected Persons), as found on the [www.Rotary5450.org](http://www.Rotary5450.org) website.
4. Include a section about BRC's Sexual Harassment Policy and Action Plan in its new member Red Badge curriculum.

## Sexual Harassment Response Team

BRC's Sexual Harassment Action Plan includes the formation of the BRC Sexual Harassment Response Team ("SH Response Team"). The SH Response Team is a group of five BRC members appointed by the BRC Board of Directors, willing to accept the responsibility of taking and investigating reports of sexual harassment which have occurred at BRC Events. The SH Response Team will be trained to be aware of sexually harassing behavior, and to accept and document Incident Reports made by either witnesses or alleged victims. The SH Response Team is separate from the BRC Board of Directors and will not make decisions regarding the reported incident.

The members of the SH Response Team will designate a team Chair, who shall serve in such role until the earlier to occur of (i) resignation as Chair or from the SH Response Team, (ii) removal from the SH Response Team by the BRC Board of Directors, or (iii) the end of such Chair's term on the SH Response Team.

Upon the filing by an individual of an Incident Report, the SH Response Team Chair will designate a sub-team of three members of the SH Response Team (an "Incident Team") to investigate the reported incident, as further described in the SH Action Plan.

Once all information available regarding a Sexual Harassment incident has been gathered and documented, the Incident Team will consolidate the information, write a SH Incident Report for the BRC Board of Directors and make a recommendation, if appropriate, to the BRC Board of Directors. The recommendation may include several options that the BRC Board of Directors may consider, provided, however, that any recommendations made by the Incident Team are for guidance purposes only, and BRC Board of Directors is not required to adopt any recommendation made by the Incident Team. Any recommendation by the Incident Team to the BRC Board of Directors must be the agreement of at least a majority of Incident Team members. If such agreement is not reached by the Incident Team, then the SH Team Report provided to the BRC Board of Directors will not state a recommendation. A copy of the SH Team Report may be provided, upon request, to the alleged victim and the alleged harasser. When practicable, the report will be provided to the requesting

affected party in person as part of a meeting with the BRC President and a member of the SH Response Team.

### **Responsibilities of BRC's Board of Directors relating to the SH Response Team:**

1. The BRC Board of Directors will appoint five (5) BRC members to serve on the SR Response Team.
2. The BRC Board of Directors will consider the following characteristics when appointing members to the SH Response Team:
  - a. When possible, the membership of the SH Response Team should be comprised of more women than men. It is recognized that as of 2018, more women report incidents of sexual harassment than men, and the preference has been for victims to report such behavior to members of their same gender when possible.
  - b. The BRC Board of Directors shall endeavor, as much as possible, to select SH Response Team members from the applicants who are diverse in thought and experience.
3. BRC Board of Directors shall have the authority to appoint members to fill any vacancies on the SH Response Team. Vacancies may occur due to a member of the SR Response Team:
  - a. Resigning, either at the end of that member's term on the SR Response Team or at any time prior,
  - b. Ceasing to be an active member in BRC (whether due to being on leave of absence, resignation or termination from BRC), or
  - c. Removal from the SH Response Team by the BRC Board of Directors.
4. The BRC Board of Directors shall have the authority to remove a SH Response Team member.
5. If a SH Response Team member is also a BRC Board of Directors member, that SH Response Team member will abstain from voting on any final action relating to a BRC member if the BRC member is being investigated for possible sexual harassment against another BRC member.

### **SH Response Team Members Commit to All of the Following:**

1. **Term:** SH Response Team members agree to commit to term of between one and three years of service on this team, as designated by the BRC Board of Directors in order to create staggered terms, providing term overlap and continuity in team membership from year to year.

The length of term of a particular SH Response Team member shall be set by the Board of Directors upon appointment such that the SH Response Team membership will be divided into three classes with staggered terms. When a new team member is appointed, the term of such new team member will be apportioned among the classes so that no more than two members are in each class, and accordingly the term of any SH Response Team member may, if necessary, be shorter than three years.

2. **Background Checks:** All SH Response Team members will agree to have a standard background check done before becoming part of the SH Response Team.
3. **Training:**
  - a. All SH Response Team members will receive training regarding interviewing witnesses, alleged victims, as well as alleged harassers. Additionally, all SH Response Team members will receive training regarding documenting incidents of sexual harassment.

- b. All SH Response Team members will complete the Rotary District 5450 on-line harassment prevention course found at <http://training.nayen.org/training/sample/player.html> (This tutorial was developed for District 5450's Youth Exchange program and complies with all District 5450 Abuse & Harassment requirements). Results must be submitted to the designated BRC member who maintains the list of those who have completed the training on behalf of BRC.
4. **Availability:** All SH Response Team members agree to be available, individually or as a group, to accept Sexual Harassment Incident Reports observed or experienced at BRC Events.
5. **Civility and Respect:** The SH Response Team will treat all people they contact as part of any investigation with respect and civility, and maintain the principles of the Rotary Code of Conduct and the Four-Way Test.
6. **Keep Affected Parties Informed:** The SH Response Team will inform all affected parties about the process of the preparation of a SH Team Report and reporting to the BRC Board of Directors, and will inform all affected parties at the conclusion of the BRC Board review.
7. **Confidentiality and Discretion:**
  - a. Formal Incident Reports by an individual and subsequent investigation records of the SR Response Team will be kept confidential to the maximum extent possible throughout any process of investigation and resolution.
  - b. The SH Response Team will strive to maintain the information they gather in a manner which keeps the information separate from any BRC database; provided however, that the final SH Report shall be maintained as part of the official club records, although, where appropriate, kept confidential and not included in publicly available Board of Director minutes or club records.
  - c. SH Response Team members shall agree to keep all information gathered as part of their duties as SH Response Team members confidential other than inclusion of the information in the SH Report provided to the BRC Board of Directors and updating as appropriate the affected parties as to the investigation and BRC Board of Directors review process, except when:
    - i. they are required to report the information to the police or other jurisdictional law enforcement body ("law enforcement"); or
    - ii. an alleged victim requests the information be shared with law enforcement as part of a law enforcement investigation.
8. **Identification:** SH Response Team members agree to be identified to all members of the BRC.
9. **Action Plan:** SH Response Team agree to follow BRC's Sexual Harassment Action Plan.

## BRC SEXUAL HARASSMENT ACTION PLAN

This BRC Sexual Harassment Action Plan (the “SH Action Plan”) follows the BRC Sexual Harassment Flow Chart, explaining the process of a filing of a formal Incident Report.

1. Incident: Sexual Harassment is observed or experienced at a BRC Event.
2. Report to BRC: The witness or alleged victim reports the behavior to a member of the SH Response Team, BRC President or to another BRC member, who passes along the report to a member of the SH Response Team or the BRC President. The BRC President will immediately contact the SH Response Team.

If a Contemporaneous Report during a BRC Event: If the behavior is reported at a BRC Event, the BRC member, official or SH Response Team member will immediately make sure that the alleged victim:

- Is physically safe;
- Has the support he/she (or they) needs; and
- Is separated from the possible harasser, if deemed reasonably appropriate.

3. Initial Contact by SH Response Team: Once the SH Response Team is advised of the alleged Sexual Harassment incident, a member of the SH Response Team will contact the alleged victim regarding the incident. If deemed appropriate by the SH Response Team member based on the circumstances, the SH Response Team member may suggest that the alleged victim or witness have a conversation about the behavior of the alleged harasser with law enforcement or directly with the alleged harasser, if and as appropriate, prior to an Incident Report being made to BRC, however, the SH Response Team member shall let the alleged victim know that such a conversation is not a prerequisite to filing an Incident Report with BRC.

If the alleged victim wishes to have a conversation with the alleged harasser, the SH Response Team shall let the alleged victim know that (i) the alleged victim may choose not to speak with the alleged harasser; and (ii) if requested by the alleged victim, the SH Response Team will offer to arrange for a member of the SH Response Team or other advocate of the alleged victim's choice to be with the alleged victim when he or she has the conversation with the alleged harasser, if a SH Response Team member or such other advocate is available.

4. BRC President Informed: Whether or not the alleged victim proceeds with filing of a formal Incident Report, the BRC President will be advised of the incident.
5. Incident Report Filed? The SH Response Team member will ask the witness(es) and/or alleged victim if he/she (or they) desire to file an Incident Report (which will ultimately go to the BRC Board of Directors). The SH Response Team member(s) will explain the process, confidentiality issues and the possible outcomes of the process to the witness(es) and/or the alleged victim(s) if an Incident Report is filed.
  - a. No Incident Report: The alleged victim or victims may decide not to file an Incident Report. If that is the decision, the SH Response Team will respect the wishes of the alleged victim(s) and will inform the BRC President of the alleged victim(s)'s decision.

- b. Yes; Incident Report Filed: If an Incident Report is filed, the SH Response Team will inform the BRC President immediately that there has been an Incident Report made by witness(es) and/or an alleged victim regarding an incident of Sexual Harassment at a BRC Event.
- i. **The BRC President** will promptly (and, as reasonably practicable, within 3 days), inform the alleged harasser (BRC member) of the Incident Report, by phone or personal meeting, along with sending the BRC member, by mail, a statement that includes the nature of the accusation, and advising the alleged harasser that a member of the SH Response Team will be contacting him/her, along with the names of the members of the SH Response Team. The BRC President should also advise the alleged harasser that if he/she does not hear from a member of the SH Response Team within the next week, to immediately advise the BRC President.
  - ii. **The Chair of the SH Response Team** will designate a three-member Incident Team from within the members of the SH Response Team who will be responsible for investigating the reported incident.
  - iii. **The Incident Team** will begin to investigate immediately and gather any witness statements or other evidence which may be available, which may include digital recordings, video or pictures provided by witness(es), the alleged victim, and other third parties. The Incident Team will gather any statements or other evidence promptly after the filing of an Incident Report.
- c. SH Report: In the event of the filing of an Incident Report, then, as soon as reasonably possible (and within two weeks of the filing of the Incident Report, when possible), the Incident Team will write their findings into a SH Report for the BRC Board of Directors. The SH Report shall contain:
- i. The statements of the party who filed the Incident Report, as well as the alleged victim(s) and/or witnesses, as well as the alleged harasser, as applicable;
  - ii. Any recording, audio or video and/or pictures of the incident, if available; and
  - iii. A recommendation to the BRC Board of Directors regarding a proposed outcome and/or way to address the incident, if agreed upon by a majority of the Incident Team members. If the Incident Team is unable to reach such an agreement, the SH Report will not include a recommendation.

Recommendations may include, for example:

- If the SH Report concludes that there is no reasonable evidence that wrongdoing occurred, the SH Report may recommend that the investigation be closed and no further action taken.
- If the SH Report concludes that there is reasonable evidence that Sexual Harassment occurred, then the SH Report may recommend:
  - mediation between the parties, if agreed upon by the alleged victim and alleged harasser;
  - some form of restorative justice or an alternative action;
  - temporary suspension of the alleged harasser's membership during further investigation and discussion, pursuant to Article 15, Section 10, of the BRC

Constitution (as such section may be modified and amended from time to time).

- termination of the alleged harasser's membership with BRC, pursuant to Article 15, Section 5, of the BRC Constitution (as such section may be modified and amended from time to time).

The SH Report and any other evidence is to be kept confidential to parties other than the alleged victim(s), alleged harasser, the SH Response Team, and the BRC Board of Directors, unless and until the alleged victim(s) and the BRC Board of Directors decide otherwise, or as may be required by applicable law or the BRC Bylaws or Constitution.

6. Upon completion of the SH Report,

a. **The Chair of the SH Response Team** will:

- i. Notify the BRC President that the SH Report is complete, and
- ii. Provide a copy of the SH Report and recommendation (if applicable) to the BRC President.

b. **The BRC President** will:

- i. Inform the Board of Directors that a report of sexual harassment has been made and by whom. The BRC President will attempt to call BRC Board members rather than use written forms of communication as much as possible to maintain confidentiality for both the alleged victim and alleged harasser, as much as is possible,
- ii. Schedule a date and time for the Incident Team to present their report to the BRC Board of Directors, whether at the next regularly scheduled Board meeting or at a specially called meeting, and inform the Board of Directors, the Chair of the SH Response Team, and the Incident Team of the applicable date and time, and
- iii. Provide a copy of the SH Report to the BRC Board at the scheduled Board meeting. Such SH Report may be provided in advance of the meeting after discussion with and agreement of the Incident Team.

c. The BRC President may provide a copy of the SH Report to the alleged victim and the alleged harasser on or after providing the report to the BRC Board.

7. BRC Board of Directors Action: BRC's Board of Directors will review the SH Report and any recommendations made by the Incident Team, and will decide whether further investigation should be made, or if the Board is satisfied with the sufficiency of the SH Report. If the BCF Board is satisfied with the sufficiency of the SH Report, the BRC Board of Directors will proceed with an action, which may include the adoption of a recommendation made by the Incident Team, however, the BRC Board of Directors is not limited to adopting a recommendation made by the Incident Team. The BRC President will promptly advise the alleged victim and the alleged harasser of any action decided by the BRC Board of Directors.

- a. If the action decided by the BRC Board of Directors involves restorative justice or an alternative action, then the SH Response Team will follow up with the BRC Board of Directors regarding the status of the restorative justice, or alternative action, as applicable. Upon inquiry by the alleged victim, the SH Response Team may also follow up with the alleged victim regarding the status of such restorative justice or alternative action.



If the alleged harasser does not complete a restorative justice or alternate action proposed by the BRC Board of Directors to the reasonable satisfaction of the BRC Board of Directors, the BRC member/alleged harasser will be referred back to the BRC Board of Directors for further potential actions, which may include termination of the alleged harasser's membership with BRC.

- b. If the action decided by the BRC Board of Directors is termination of membership in BRC, then the terminated member will have the right to appeal, mediate or arbitrate the termination decision pursuant to Article 15, Section 6 of the BRC Club Constitution (as such section may be modified and amended from time to time).
- c. Any dispute which may arise between any current or former member and BRC, any club officer or the Board of Directors, which is other than as set forth herein or in BRC's Bylaws shall, upon a request to BRC's secretary, be resolved in accordance with Article 19 of BRC's Club Constitution (as it may be modified and amended from time to time).
- d. The BRC President, along with a member of the Incident Team or the SH Response Team Chair, if practicable, will advise the alleged victim of any action decided by the BRC Board.

Approved 1-28-2019

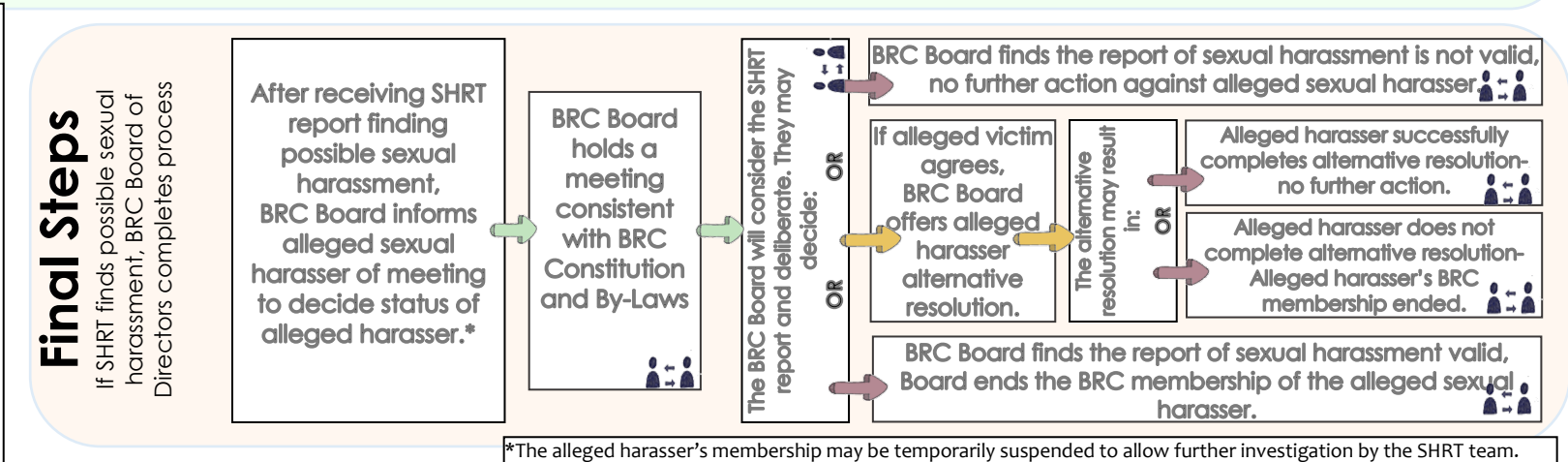
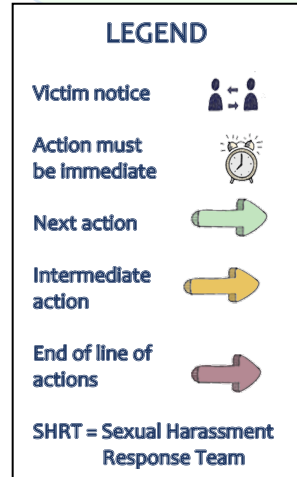
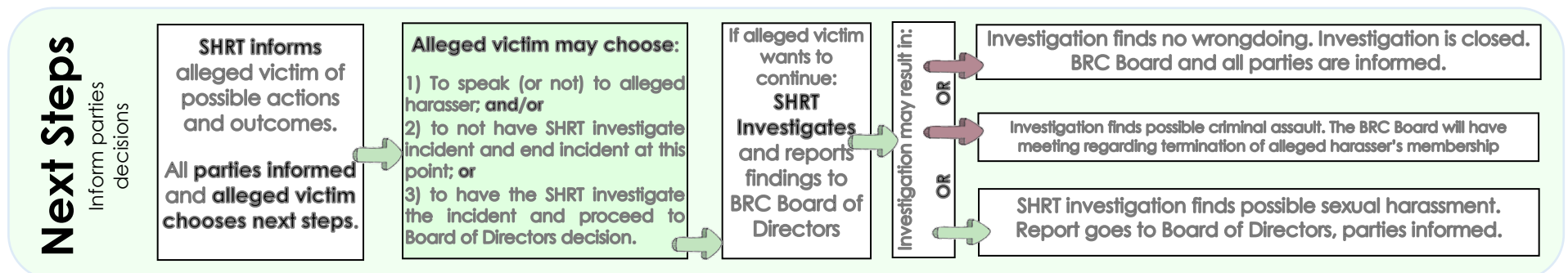
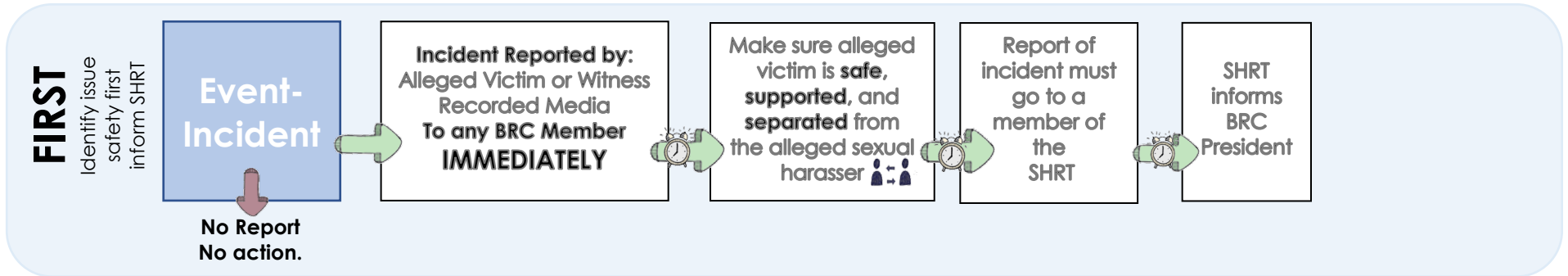
Boulder Rotary Club Board of Directors

Kathy Olivier, Secretary

# Boulder Rotary Club Sexual Harassment Policy Action Plan

Boulder Rotary Club endeavors to make sure all our members and all participants at all meetings, programs, events and projects feel welcome and safe from unwanted attention or contact from any other member or participant. All BRC members will actively seek to protect each other and all other participants from this type of harm. However, if an act of sexual harassment does occur, we want all our members to be prepared to act to stop the offensive behavior and make sure it does not happen again.

This plan is for adult Boulder Rotary Club Members who do not fall into a category of "protected person." All incidents of harassment or sexual harassment against a protected person are covered by Rotary District 5450's Abuse and Harassment Policy.



\*The alleged harasser's membership may be temporarily suspended to allow further investigation by the SHRT team.