

Appendix A

ROTARY INTERNATIONAL DISTRICT 7090, INC. ABUSE, NEGLECT AND HARASSMENT PREVENTION POLICY

A. Introduction

Members and representatives of Rotary International District 7090, Inc. (“District”) and of individual Rotary Clubs, are often actively involved with members of the community, including young people, the elderly, and people with disabilities (“vulnerable persons”), including through their participation in District and other Rotary programs, activities and events that assist or involve the participation of vulnerable persons, including the Rotaract, Interact, RYLA and SLAPSHOT programs. The District is committed to protecting the interests of all participants in Rotary programs, activities, and events, particular vulnerable persons.

Accordingly, it is the duty of all volunteers in Rotarian programs, including Rotarians, their spouses or partners, and others, to protect vulnerable persons with whom they come into contact through Rotary programs, activities, or events from physical, sexual or emotional abuse, harassment, and neglect, as those terms are defined below. By fulfilling this duty, Rotarian volunteers will serve the interests of the District, Rotary Clubs, and Rotarians, relative to their volunteer efforts to improve the quality of life in our communities. It will also protect the reputations of Rotary International, Inc. (“RI”) and the District and minimize the risk of legal liability. Accordingly, the District sets forth this Policy to regulate the organization and operation of the programs, activities and events that it conducts or sponsors and to provide guidance to Rotary Clubs operating within the District.

B. Definitions

The following terms as used in this Protocol shall have the following meanings:

1. ***Abuse*** means willful action or inaction that causes or is likely to cause injury, unreasonable confinement, intimidation (e.g., bullying), harmful treatment, or punishment relative of a vulnerable person, including sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable person, as those terms are defined below.
2. ***Activity*** shall mean any program, activity or event that is organized, operated, or sponsored by the District or another Rotarian organization.
3. ***Emotional or Verbal Abuse*** means any incident of willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes another, which may include ridicule, yelling, cursing, damage to a person’s property, internet harassment, shunning, among other things.
4. ***District Abuse Prevention Committee and DAPC*** shall mean the District Committee charged with implementation and enforcement of this Policy and the investigation of reported violations of this Policy, as defined in more detail below.
5. ***Exploitation of a Vulnerable Person*** means action by a non-vulnerable person that is directed at or taken relative to a vulnerable person that is or may be detrimental, harmful, or injurious to the vulnerable person and is taken for the purpose of the non-vulnerable person’s profit, gratification, or other benefit.

6. **Governor** shall mean the RI Governor of the District or acting RI Governor of the District and acting as the Corporate President, CEO and Board of Director's Chair.
7. **Harassment** shall mean communication or conduct that is intended or should reasonably be expected to be construed as an attack on the dignity of a person, particularly conduct or communication that is based on a person's color, race, national origin, religious beliefs, ethnicity, age, sex, perceived gender, physical characteristics, sexual orientation, and/or a person's actual or perceived physical or mental disability. Such conduct or communication includes verbal or written remarks, statements, or questions, gestures, jokes, practical jokes, physical contact, cartoons, e-mails, text messages, and chat communications that are or should be reasonably expected to be unwelcome and offensive and which are based on a person's color, race, national origin, ethnicity, sex, perceived gender, sexual orientation, or physical characteristics.
8. **Law Enforcement** means a local police or sheriff's department, a constabulary, a federal state/provincial law enforcement agency, prosecuting attorney's office, or other governmental agency charged with law enforcement that has jurisdiction in a place where a violation of this Policy occurred or caused injury or had negative effect.
9. **Physical Abuse** consists of physical contact with another person that is intended or likely to cause pain, injury, or other physical suffering or harm.
10. **Prohibited Person** - A person prohibited from participating in a Rotary youth program is anyone who is a registered sex offender, has admitted to, been convicted of, or otherwise been found to have engaged in sexual abuse, sexual harassment or neglect.
11. **Rotary Club** shall mean a Rotary Club that is located within the District.
12. **Sexual Harassment** means any conduct or environment that meets the definition of sexual harassment, as set forth in the District Sexual Harassment Policy.
13. **Sexual Abuse** shall mean any conduct by a Volunteer, as defined below, or any other adult having contact with a youth participant through a District youth program that consists of the following:
 - i. any touching of sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party, including the touching of a perpetrator by a victim or the touching of a victim by a perpetrator, whether directly or through clothing
 - ii. providing, receiving, or any attempt to provide or receive photographs or images depicting sexual or other intimate parts of the person in which a youth participant is the intended provider or recipients of such images;
 - iii. any communication in any form (e.g., telephone communication, e-mail, text message, chat message, etc.) that includes any sexually explicit language concerning sexual or other intimate body parts, sexually-oriented actions, or similar matters that are objectively oriented toward a party's sexual gratification;
 - iv. any request for sexual favors of any form by an adult or member of a Host Family; or
 - v. any act by a Volunteer, as defined below, that aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct.
14. **Staff** shall mean all paid District employees and any independent contractor or vendor that has contracted with the District or a Rotary Club within the District and their employees and representatives.

15. **Volunteer** means a Rotarian, a Rotary Club member, or any other person who is a volunteer in a program, activity or event conducted or sponsored by the District or Rotary Club.
16. **Vulnerable Person** means a person under the age of 18; or a person with disabilities who has an impaired communication abilities, an intellectual disability, a mental illness, a physical disability that substantially impairs the persons' ability to stand, walk, or move; or any person having impaired judgment, reasoning or cognitive abilities; or a person over the age of 70.

C. Policy Statement

Every Rotarian, Volunteer, and Staff member is responsible to protect the well-being and welfare of every person with whom they come in contact while participating in an Activity from abuse, harassment, or neglect as those terms are defined herein, particularly in regard to vulnerable persons. This Policy shall be interpreted so as to be consistent with federal, province/state, and local law concerning the prevention and reporting of prohibited abuse, harassment, or neglect of individuals and such laws are into this Policy.

D. Prevention and Reporting of Abuse, Harassment, and Neglect:

1. In accordance with the foregoing, District Rotarians, Staff, and Volunteers having responsibility for or participating in an Activity shall take reasonable measures to protect all individuals participating in such Activity from any conduct or treatment that constitutes abuse, harassment, or neglect as defined herein, particularly in regard to vulnerable persons, and to ensure that District Activities are delivered in a reasonably safe environment.
2. The DAPC chairperson and the Governor/President shall ensure that, at least once every three years, training in the requirements of this Policy and of federal, provincial/state, and local law concerning prohibited abuse, harassment, and neglect and the protection of vulnerable persons during District Activities is offered to all Rotarians, Volunteers, and Staff.
3. District representatives involved in the organization, operation, or supervision of District Activities or participating in such Activities shall ensure that adequate procedures are in place to protect vulnerable persons who participate in or receive services through such Activity and that vulnerable persons participating in such Activities are in the presence of at least two adults who do not meet the criteria of vulnerable persons (excepting that such adults may be over the age of 70), throughout their participation in such an Activity, including their accompaniment to bathrooms and other locations.
4. No Rotarian, Volunteer, or Staff member shall engage in conduct that constitutes a violation of this Policy or which is intended to prevent a person from reporting such conduct or to interfere with a District or law enforcement investigation into such a report.
5. Rotarians, Volunteers, or Staff who witness or become aware of an incident that may constitute a violation of this Policy shall report such information to the DAPC chairperson, a DAPC member, or the Governor/President within 48 hours of witnessing or learning of such an incident. If the Governor/President, or his or her spouse/partner is suspected of violating this Policy, such report shall be made to the immediate past Governor or most recent past Governor or the DAPC chairperson. The RI President shall be informed of any suspicions or allegations of violations of this Policy by the Governor/President, RI Governor-Elect or RI Governor –Nominee. If such an incident involves the DAPC chairperson, the report shall be made to the Governor/President. A person reporting such an incident to the Governor/President, past Governor, or DAPC chairperson who feels that the District has not addressed the report adequately may report the behavior to RI President.

- a. When the Governor/President receives such a report, the Governor/President shall promptly notify the DAPC chairperson of the reported incident and provide all relevant information that was received concerning the report. If the report involves the Governor/President or the Governor/President's spouse or partner, the Governor shall also inform the immediate past Governor or most recent past Governor of the reported incident.
 - b. When such a report is made to the chairperson of the DAPC, the chairperson shall promptly notify the Governor/President of the report and its content and notify all members of the DAPC of the reported incident and provide each member with copies of any materials the chairperson received concerning the report. If the report concerns the Governor/President or the Governor/President's spouse or partner, the chairperson shall also inform the immediate past Governor or most recent past Governor of the reported incident.
 - c. Within 72 hours of receiving or being advised of a reported violation of this Policy, the Governor/President shall ensure that all information is provided to the District's insurer(s), the District's legal counsel, and the District Board of Directors.
 - d. Rotarians, Volunteers, and Staff who are subject to a federal, provincial/state, or local law concerning the report of abuse, neglect or harassment to a government agency or law enforcement shall fully comply with such law, and nothing in this Policy shall be construed to prohibit or interfere with such compliance.
 - e. If a Rotarian, Volunteer, or Staff member suspect that an incident constitutes a crime, he/she shall report the incident to law enforcement or confirm it has been reported to law enforcement within 72 hours of becoming aware of the incident.
 - f. Members of the DAPC, the Governor/President, and the designated investigator shall treat all information regarding such reports as confidential information and take reasonable measures to protect the privacy of all persons involved in the incident, except as necessary to conduct an investigation, or as required by federal, state/provincial, and local law.
6. If reported abuse, neglect, or harassment is reasonably believed to constitute a crime, the DAPC chairperson and Governor/President shall report or ensure a report of the matter is made to law enforcement. If law enforcement declines to investigate the matter, the DAPC shall ensure that a reasonably prompt and thorough investigation of the reported violation is conducted by a person of its choosing who is trained or experienced in the investigation of such matters. DAPC investigations of such reports shall be commensurate with the gravity of the reported violation and coordinated with any investigating or prosecuting law enforcement agency.
- a. When a reported violation of this Policy is investigated by law enforcement and the investigation determines that a person engaged in conduct that violates this Policy, or if a court finds in an order, judgment or other decree that a person engaged in such conduct, that person shall be prohibited from further involvement in an Activity that may include participation of vulnerable persons.
 - b. When an investigation by law enforcement or the DAPC of into a reported violation of this Policy is inconclusive, a person who is reported to have violated this Policy may only have future involvement in an Activity that may include participation of vulnerable persons if additional safeguards are implemented to protect vulnerable persons, as the DAPC deems appropriate.

7. When a reported violation of this Policy is investigated by the DAPC, the investigator shall complete his/her investigation within a reasonably prompt time and within three weeks of doing so, provide the DAPC chairperson and Governor/President a written report that describes the investigation (*e.g.*, the witnesses interviewed, materials reviewed, etc.) and states findings of fact about what occurred; whether there was a violation of this Policy; identifying all persons responsible for any violation of this Policy; and, if appropriate, recommended actions, including any recommended sanction of individuals found to have violated this Policy, the provision of assistance or resources to any person found to have been injured by a violation of this Policy, or additional training or education. The DAPC chairperson shall promptly provide a copy of the report to all DAPC members and the Governor/President.
 - a. Based on the investigator's report, the DAPC chairperson shall forward the report to the Governor/President and Board of Directors, providing recommendations of the DAPC relative to the investigator's report, including any recommended action.
8. All Rotarians, Volunteers, and Staff shall fully cooperate with any investigation of a reported violation of this Policy during a District or other Rotarian program, activity or event by the DAPC and/or a law enforcement agency.
9. The Governor/President shall ensure that each District Rotarian, Staff, or Volunteer involved in organizing, supervising, or who participates in an Activity involving the participation of, or provision of services to, vulnerable persons has completed an appropriate screening program, relative to the individual's fitness for such participation. Such screening shall include the completion of the District's Volunteer Assessment form, as described below.
10. Upon conclusion of the investigation the Board of Directors shall evaluate and implement such corrective actions as such Board deems appropriate. The Board shall notify the individual(s) who provided the report or complaint and each accused individual who is the subject of the report or complaint of the Board's final determination..

E. Prevention of Harassment And Sexual Harassment:

District representatives shall ensure, to the extent reasonably possible, that all individuals involved or participating in District programs, including Rotarians and Volunteers, are not subjected to harassment, including conduct that erodes the dignity of the individual, particularly based on the individual's color, race, national origin, ethnic origin, age, gender, physical characteristics, sexual orientation or a physical or mental disability. Such prohibited sexual harassment shall include unwelcome physical contact of a sexual nature, requests for sexual favors, written or verbal statements in any form that a reasonable person would find offensive based on a person's sex. Additionally, displaying or communicating material that is offensive to a reasonable person and based on a person's sex is prohibited, including jokes, statements, cartoons, pictures, videos, or other material. Further, communication or conduct directed to another person that is based on the person's color, national origin, race, sex, or other legally protected characteristics is prohibited, including verbal, written, and other forms of communication, abuse, or threats; inappropriate or offensive gestures; and offensive physical contact.

In accordance with its legal obligations, the DAPC and the Governor/President shall ensure that, to the extent reasonably possible, all individuals involved in District programs, activities, or events are protected from sexual harassment, as defined in the District's Sexual Harassment Policy, which is incorporated here.

F. Volunteer Assessment Form

As part of any screening program, reasonable efforts shall be made for all Rotarians, Volunteers, or Staff to complete a Volunteer Assessment Form, which shall be received and reviewed by the DAPC or any the president of a Rotarian Club that is organizing, operating, or sponsoring the Activity prior to participation in an Activity that may involve the participation of vulnerable persons. (the Volunteer Assessment Form is annexed to this Policy and shall be available on the District's website.) Such individuals shall provide any additional material or information requested by the DAPC or a Club President concerning information stated in the Volunteer Assessment Form and/or as required by applicable federal, provincial/state, or local law.

The District shall maintain each such form on file in a manner that protects each person's privacy. When the Volunteer Assessment Form and required screening concerns Club activities, the Form should be maintained in such a manner by a Rotary Club official (*e.g.*, the Club Secretary) designated by the Club's Board of Directors.

The president or chairperson of each Club that is responsible for a program, activity, or event that may involve the participation of vulnerable persons shall confirm to the DAPC or Governor the receipt of a signed Volunteer Assessment Form from any Rotarian, Volunteer, or Staff member who will participate in or has participated in an Activity involving the participation of vulnerable persons.

G. District Abuse Prevention Committee:

The Governor/President shall form and appoint members of the District Abuse Prevention Committee, which shall be responsible for the implementation and enforcement of this Policy, including overseeing the investigation of reports of conduct that is reasonably believed to violate this Policy. The DAPC shall consist of five members, at least two of whom shall be citizens of the United States and two of whom shall be citizens of Canada. Each member should have relevant training or experience in at least one of the following areas:

- working with vulnerable persons in a professional capacity or as a Rotarian, Volunteer, or Staff;
- in the field of human rights as defined and protected under law; or
- in the field of human resources.

DAPC members shall be appointed to a three year term and shall be replaced on a staggered schedule, so that at least two members of the DAPC are replaced annually. DAPC members shall serve their three year term, unless and until they resign or are removed by the District Board of Directors for cause or because of incapacitation. Each DAPC member shall become familiar with both the Rotary International Child Protection System and relevant Rotary International policies concerning the prevention of abuse, harassment, and neglect and protection of all vulnerable persons, as well as relevant federal, provincial or state, and local laws and regulations.

Members of the DAPC shall treat information regarding reported incidents of abuse, harassment, or neglect as confidential information, which shall be provided only to the Governor/President, the Board of Directors, and law enforcement agencies or courts, doing so in compliance with applicable federal, provincial or state, and local law, as well as this Policy.

H. Rotary Club Recommendations

The District strongly encourages each Rotary Club operating within the District to adopt and comply with this Policy. It also strongly encourages each such Rotary Club to adopt and comply with the recommendations attached to this Policy.

I. Review of Policy

The DAPC shall review this Policy to determine whether it requires revision every three years after its adoption or as information shall indicate. The chairperson of the DAPC shall advise the Governor/President regarding whether any revision to this Policy is required every three years or as circumstances may require.