

ROTARY INTERNATIONAL DISTRICT 7090, INC. SEXUAL HARASSMENT POLICY

Rotary International District 7090, Inc. (“District”) is committed to maintaining an environment that is free of discrimination and harassment. Sexual harassment is a violation of the District’s policy and a violation of federal, provincial/state, and local laws.

Sexual harassment of any Rotarian, volunteer employee or participant in a District program or activity by another employee, manager, or non-employee of the District (e.g., intern, volunteer, independent contractor, contract worker, vendor, client, customer or visitor), regardless of their sex or gender, is prohibited.¹ Sexual harassment of non-employees by District employees or volunteers is also prohibited. Further, any retaliation against a person who has reported or complained about sexual harassment or cooperated with an investigation of such a report or complaint is also unlawful and will not be tolerated.

Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

What is Sexual Harassment?

Sexual harassment is a form of sex discrimination and is unlawful under federal, provincial/state, and (where applicable) local law. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct based on an individual’s sex constitutes sexual harassment when:

- Submission to the conduct is an explicit or implicit term or condition of employment; or
- Submission to or rejection of the conduct is used as the basis for decisions affecting an individual’s employment; or
- The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment is not limited to the physical workplace. It can occur while employees are traveling for business or at employer sponsored events or parties. It can occur outside work hours.

¹ While this policy specifically addresses sexual harassment, the District also prohibits the harassment or and discrimination of persons based on any characteristic that is protected under federal, provincial/state, or local law, including age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, familial status, gender identity, gender expression, and criminal history and all other characteristics protected by federal, state/provincial, or local law.

Examples of Sexual Harassment

While it is not possible to list all acts which may constitute sexual harassment, it may include explicit sexual propositions or flirtations; sexual innuendo; suggestive comments; sexually oriented teasing; comments or jokes about gender-specific traits, sexual orientation, gender identity or gender expression; foul or obscene language or gestures; unwanted physical contact; the display or transmission of obscene, demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs; and hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as interfering with the individual's ability to perform the job, bullying, or name-calling.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Any individual who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

What is Retaliation?

Retaliation is any action that would keep an individual from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, provincial/state, and (where applicable) local law. Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under Title VII, the Human Rights Law, or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Retaliation against an employee who, in good faith, reports or complains about sexual harassment will not be tolerated and will itself be subject to disciplinary action, which may include the termination of employment, loss of office, or preclusion from participation in Rotary events. Furthermore, no adverse actions will be taken against a person who, in good faith, reports or complains about a violation of this policy or participates in the investigation of such a report or complaint.

Even when alleged harassment does not rise to the level of a violation of law, an individual is protected from retaliation if he/she had a good faith belief that the conduct or practices were unlawful. However, this retaliation provision does not protect persons who are found to have knowingly made a false report or complaint of sexual harassment.

Reporting Sexual Harassment

Sexual harassment is a form of employee misconduct and prohibited conduct for any Rotarian, District employee, or volunteer. No person is required to submit to, or accept, sexual harassment in order to maintain their employment, position, promotional opportunities, benefits, or to meet any other condition of employment or participate in District programs or events. Similarly, it is a violation of District policy for persons to engage in such conduct toward any Rotarian, volunteer, District employee, or participant in a Rotarian program, activity, or event and no such person is required to submit to such conduct as a condition of participating in District programs or activities.

Any person who believes that he/she or another person has been a target of sexual harassment or that the actions or conduct of a District employee, Rotarian, or volunteer constitutes sexual harassment is encouraged to immediately follow the notification process set forth below.

A report of sexual harassment may be made verbally or in writing, including the use of the attached form for submission of a written complaint of sexual harassment. A person reporting or complaining of sexual harassment is encouraged to use this form.

In addition to being subject to discipline if they engage in sexually harassing conduct themselves, supervisors and managers will also be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Notification Process And Investigation of a Sexual Harassment Complaint

ALL complaints of sexual harassment will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough. A complaint, report or investigation of sexual harassment shall be kept confidential to the extent possible.

All persons involved in an investigation of suspected sexual harassment, including complainants, witnesses, and alleged perpetrators, shall be accorded due process under the law where the investigation occurs, including the right to a fair and impartial investigation. All District employees must cooperate, as needed, in an investigation of suspected sexual harassment. Employees who participate in any investigation shall not be subjected to any retaliation for such participation.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

1. Rotarians, Volunteers, or Staff who are subjected to, witness, or become aware of an incident that may constitute a violation of this Policy are encouraged to report the violation to the District Abuse Prevention Committee (DAPC) chairperson, a DAPC member, or the District's Governor/President. Any manager or officer of the District must report such conduct within 48 hours of witnessing or becoming aware of it. 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 Rotary International, Inc. President ("RI President") should 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 should 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 the RI President.
 - a. When the Governor/President receives such a report, the Governor shall promptly notify the DAPC chairperson of the reported incident and provide all relevant information that has been received relative to the report. If the report involves the Governor/President or the Governor/President's spouse or partner, the Governor/President 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 or member of the DAPC, such chairperson or member 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.
2. If reported abuse, neglect, or harassment is reasonably believed to constitute a crime, the DAPC chairperson and Governor/President shall report or ensure that there is a report of the

matter 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.
3. 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.
 - 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.
4. 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.
5. 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.

Upon conclusion of an investigation into a report or complaint of sexual harassment, the Board of Directors shall evaluate and implement such corrective actions as the Board deems appropriate. The Board shall notify the individual(s) who made a report or complaint regarding

the alleged harassment and each accused individual who is the subject of the report or complaint of sexual harassment of the Board's final determination.

Legal Protections and External Remedies

Aside from the District's internal process, employees may also choose to pursue legal remedies with several governmental entities, including the New York State Human Rights Law ("HRL"), which applies to employers in New York State and prohibits sexual harassment. The HRL protects employees and non-employees, regardless of immigration status. A complaint alleging violations of the HRL may be filed either with the New York State Division of Human Rights or in New York State Supreme Court.

The United States Equal Employment Opportunity Commission ("EEOC") enforces anti-discrimination laws, including Title VII of the Civil Rights Act of 1964. Sexual harassment is unlawful under Title VII. If an employee believes s/he has been discriminated against at work, s/he can file a discrimination charge with the EEOC.

The Ontario Human Rights Code, RSO 1990 ("OHRC") provides employees in Ontario the freedom from discrimination. Specifically, Part I, Section 7(2) of the OHRC stipulates that employees have the right to be free from sexual harassment from their employer, employer's agent(s) and fellow employees. Any employee can file a human rights claim, called an application, through the Ontario Human Rights Tribunal.

Many localities enforce laws protecting individuals from sexual harassment. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, individuals who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights.

Remedies available to a target of sexual harassment may include: reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorneys' fees.