
South Central Federation of Mineral Societies

Sexual Harassment Policy and Guidelines, rev. 6/29/2017

OUR POLICY

The South Central Federation of Mineral Societies and its associated Member Clubs are committed to maintaining an environment free from sexual harassment and from discrimination. We strongly support the rights of all members to gather in an environment free from any form of harassment, including harassment based on race, color, religion, gender, sexual orientation, national origin, age, or disability. Member clubs will remain in compliance with The South Central Federation of Mineral Societies policy and guidelines regarding sexual harassment, and will strongly prohibit harassment and discrimination of any kind.

INTRODUCTION

In compliance with the above policy and the following guidelines, The South Central Federation of Mineral Societies strongly recommends that our Member Clubs adopt disciplinary measures—including the development of policies or procedures allowing the option for immediate expulsion of an offender from club membership if the result of an investigation indicates that corrective action is required.

Any member's behavior that fits the definition of sexual harassment or discrimination is a form of misconduct, which could cause this organization, your organization, and in some cases, an individual to be subject to substantial civil penalties. For this reason, The South Central Federation of Mineral Societies and all associated Member Clubs should uphold zero tolerance for sexual harassment under any circumstances.

PURPOSE

The aim of this policy is to provide our Member Clubs the necessary tools to prevent harassment of any kind by anyone associated with our organizations and to provide suggestions for the development of operational procedures to handle complaints. Responsibility lies with every club officer to ensure that sexual harassment does not occur within our clubs or during meetings, club sponsored classes, shows, or events.

DEFINITIONS

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or any other conduct of a sexual nature creating a hostile, intimidating, or uncomfortable environment for members or visitors. This includes behavior that makes others feel offended or humiliated, and where the reaction is reasonable considering the circumstances. Examples of sexual harassment include, but are not limited to:

- Staring or leering, suggestive gestures or facial expressions
- Unnecessary familiarity, deliberately brushing up against another, or unwelcome touching
- Suggestive or lewd comments or jokes
- Insults or taunts of a sexual nature
- Intrusive questions or statements about sexual preferences, private life, sexual behaviors
- Showing graphic images, magazines photos, or depictions of a sexual nature
- Sending sexually explicit emails or text messages
- Inappropriate advances on or off club premises or via phone or social networking sites
- Requests for sex, or repeated requests to go on dates even after a clear expression of no interest
- Behavior that may be considered an offense under criminal law, such as a physical assault, indecent exposure, sexual assault, stalking, or obscene communications

Behavior that is based on mutual attraction, friendship, and respect is not sexual harassment.

OTHER DISCRIMINATORY HARASSMENT

Harassment on the basis of factors other than sex can also create dissension in your club and constitute discrimination. Make it clear to members that your organization respects all individuals and strongly supports the rights of all its members to gather in an environment free from any form of harassment, including harassment on the basis of race, color, religion, gender, sexual orientation, national origin, age, or disability. Harassing conduct includes, but is not limited to:

Name calling, rude, coarse, or threatening communications based on the above characteristics

- Negative stereotyping
- Slurs
- Threatening, intimidating, or hostile acts that relate to the above characteristics
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group due to the characteristics listed above placed on walls, bulletin boards, or elsewhere on the premises, or circulated among the membership.

POLICY CONSIDERATIONS

It is vitally important for all clubs to establish a formal policy prohibiting sexual harassment, conforming to the same standards expected in any employer/employee relationship, and also conforming to State and Federal Law. Communicate this policy to all members of your clubs. Review and update your policy on a regular basis. An effective sexual harassment policy should contain these points:

- A statement encouraging members who feel victimized by sexual harassment to report the offensive conduct.
 - A statement requiring members or officers to report any offensive conduct that they experience or witness.
 - A statement providing assurances that there will be no retaliation against a member reporting sexual harassment.
 - A statement indicating that all reports of sexual harassment will be promptly and thoroughly investigated and prompt remedial action will be taken should the investigating officer or Board of Directors conclude that an instance of sexual harassment has occurred.
- A. Set up a complaint procedure.** Provide the names and phone numbers of the club officers whom members should contact to report misconduct. (If you have only one contact, it would be difficult for someone harassed by that person to file a complaint.) Specify who will investigate and how the outcome of a complaint will be decided. Ensure confidentiality to the greatest extent possible. Consider keeping a separate written record—one not made available in the official minutes, to the general membership, or to members of the public—to protect the privacy of the members involved. Set a period to process and resolve complaints quickly and fairly, and decide how appeals will be handled.
- B. Explain the procedures for filing a complaint with a third party.** Make it clear that members have the option for someone outside the investigative team to review the report to make sure the complaint is spelled out clearly in terms that all parties can understand.
- C. Investigate complaints as soon as possible.** Every complaint of sexual harassment must be taken seriously and investigated promptly. Develop a method to interview the accused, the accuser, and potential witnesses as well as a system to gather and record evidence. Treat all parties with dignity and respect. Conduct all interviews privately, and ensure the confidentiality of the investigation.
- D. Enforce your policy.** If your investigation reveals the accuracy of a claim of sexual harassment, notify the accused and decide the type of disciplinary action. Depending on the severity of the charge, you may decide to issue a written warning, or to temporarily or permanently terminate the harasser's club membership. If there is any indication that the matter cannot be resolved internally, or could escalate to litigation, a formal (written) complaint must be filed with the SCFMS Executive Secretary who will forward the report to the regional insurance company.

- E. **Be fair in your judgment.** Apply disciplinary actions evenly. Document and maintain all necessary information to back up disciplinary actions. Keep all pertinent records contained in one file. If the harasser decides to sue for libel or discrimination, your club will be able to locate all the information needed to justify the decision.
- F. **Promote your policy.** It's not enough to keep an invisible sexual harassment policy on file. To avert liability, members must know the policy exists and understand procedures for filing a complaint. Once the policy is written, present it separately in handbooks and on bulletin boards. Consider it an opportunity to educate your members, and communicate the expectation of compliance with the terms of your policy. Review it once per year with your club. Ask members to provide input and voice their concerns.
- G. **Confidentiality.** Your club has a duty to ensure that complaints about sexual harassment are investigated and handled in a manner that keeps the identities of the person involved confidential. Although it may be difficult to guarantee privacy given the legal duties involved and frequent conflict of rights and obligations, officers, directors, and all parties concerned must endeavor to provide confidentiality in the disciplinary enquiry. Only appropriate officers, board members, or counsel (as necessary) as well as the aggrieved person, representative, alleged perpetrator, witnesses, and interpreter if required, must be present in the disciplinary meetings. Officers are required to disclose to the party or to their representatives such information as may be reasonably necessary to enable the parties to prepare for proceedings of the inquiry.
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OPTIONS TO RESOLVE THE PROBLEM

- Members should be advised that both formal and informal options are available to resolve a problem relating to sexual harassment.
- The member should be under no duress to accept one of the provided options.

1. INFORMAL COMPLAINT PROCEDURE

- A. **Determine whether the matter can be resolved informally.** An informal procedure may be used for subtle forms of sexual harassment. The procedure should not be used for serious cases that involve sexual assault, rape, quid pro quo, or persistent forms of sexual harassment unless the complainant chooses to follow an informal procedure.
- B. **Resolve by member action.** Where possible, the complainant may wish to resolve the complaint without formal procedures by approaching or reprimanding the alleged harasser (or both), by writing a letter to the alleged harasser, or by asking an officer or other representative—such as a Board member—to mediate or to be present as a witness to request cessation of the offensive behavior.
- C. **Resolve by action of the Board.** With consideration to the seriousness of the incident, the Board of Directors may ask the accused to voluntarily surrender membership for a period of time with both parties agreeing to no further discussion of the incident. Otherwise, the Member Club may proceed to a formal complaint with the threat of involuntary termination of membership of the harasser and more detailed investigation and documentation.
- D. **Provide options for counseling and keep a watchful eye.** Should the informal mediation as prescribed above be successful in resolving the matter, no disciplinary action would be taken against the alleged harasser. The grievant and the alleged harasser may be referred to a trauma crisis center for counseling should they wish.

2. FORMAL COMPLAINT PROCEDURE

- A. **Make a formal, written report.** Any member who believes that he or she was subjected to a form of harassment is expected and has a responsibility to report the matter. Any complaints should be made to a club officer or to Board members as specified in your Policy, or if the club does not have a formal policy, to any club officer or Board member. A member need not contact anyone that he or she believes to be an involved party. **All formal complaints of harassment should be made within 60 days of the alleged harassment.** A formal complaint form must be completed and signed by the complainant. Any club officer who becomes aware of an alleged

incident of harassment must report it to the President, or if the matter involves the President, to the Vice President or another officer. Any incidents with the potential to escalate into litigation must be reported to the SCFMS Executive Secretary so the matter can be referred to our regional insurance provider.

- B. Make Provisions for Alternate Persons to Handle Complaint.** If a member's complaint involves the President, the complaint should be made directly to a Chairperson of the Board of Directors. For such complaints, the requirements specified for the President in the remaining paragraphs of this Policy do not apply. Instead, the Board President (or Chairperson) shall investigate the complaint and make a report to the Board. If the complaint is unsubstantiated, the complainant and the President shall be so advised. If it appears that there may be a basis for the complaint, the complaint shall be presented to the Board for further investigation and remedial action where appropriate.
- C. Record the Complaint in Writing.** *The President (or Board President as the case may be), shall immediately record any complaint he or she receives on a complaint form, regardless of the manner in which the complaint is received. The record shall indicate the name of the club, date of occurrence, the date notified of incident, persons involved and their contact information, location of the incident, names including contact information for witnesses, and a general statement of the complaint.* The complainant shall sign the complaint form, or if they refuse, there should be two witnesses present to confirm that the notice has been delivered. The President shall give a copy of the complaint to members of the Board and to the complainant, the legal counsel if applicable, the accused parties, and to the SCFMS Executive Secretary to forward to Liberty Mutual. All complaints shall be confidential to the fullest extent possible.
- D. Conduct an investigation in a timely manner.** *The President should conduct an investigation within 10 working days of receiving the complaint.* The investigation should include an interview with the complainant, the alleged offender, and any other persons who have knowledge of the subject of the complaint. The President (or Alternate, as the case may be,) within a reasonable time shall make written findings and a written determination to present to club directors, and if necessary due to potential litigation, to the SCFMS Executive Secretary and insurance provider.
- E. Advise of the decision and option for appeal.** If the President or Alternate finds that the complaint is unsubstantiated, the complainant and the alleged offender shall be advised of the right to appeal the decision to the Board of Directors. *The appeal must be made within 30 days of receipt of notice to the complainant.* The notice to the complainant shall contain the name and address of the Chairperson of the Board of Directors.
- F. Determine action to be taken.** If the President finds that there is a basis for the complaint, the President shall take the appropriate remedial action—including but not limited to suspension of club privileges for a period of time or termination of club membership. The President shall advise the complainant and the alleged offender of the decision. The President should also advise the complainant of the remedial action taken against the alleged offender, as well as the right of the complainant to appeal to the Board if he or she is not satisfied with the decision or with the remedial action taken (or both). *Any appeal should be filed with the Board Secretary with a copy to the President within 30 days of notice to the complainant of the President's decision.* The notice of appeal should contain a statement of the grounds relied upon by the complainant.
- G. Do not retaliate.** Encourage and expect members to immediately report any incidents of perceived harassment and to cooperate with any investigation of a complaint of harassment. Retaliation against any member for filing a complaint of perceived harassment or for participating in the investigation of such complaint should be strictly prohibited.

3. PROCEDURES FOR DEALING WITH CRIMINAL CONDUCT

Some forms of severe sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct. *While we are committed to treat most sexual harassment complaints at an organizational level, this type of conduct is not suited to internal resolution and is not covered by our general liability policy. Such complaints should be treated by the criminal justice system and constitute grounds for immediate dismissal of the harasser with no option to reinstate membership.* In relation to alleged criminal offenses such as rape or

sexual assault, the matter must be immediately referred to the proper authorities. Members should be advised of the option of police support or intervention. ***It is not the obligation or duty of the club to report such matters to the police on behalf of the complainant.***

4. ADVICE AND ASSISTANCE

Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance, or turn to members within the club for support. As far as is practicable, officers should designate a person outside of their own clubs whom the victims may approach for confidential advice. Such a person could be:

- An officer of the South Central Federation of Mineral Societies
- Member or officer of another Gem & Mineral Club
- An outside Professional
- The Local Police Department

The person should have the appropriate skills and experience or be properly trained to deal with the matter. They must also be able to provide support and advice on a confidential basis. ***If there is any indication the incident may lead to litigation, please file a copy of the complaint form with an SCFMS Officer to be forwarded to our insurance agency.***

Portions of this policy were excerpted from [The Book of Company Policies](#), published by HR Specialist, © 2007. Edit for your organization's purposes.

<http://www.nonprofitexpert.com/sample-nonprofit-board-policies-and-procedures/>,
http://www.urbanaininois.us/sites/default/files/attachments/model-policy-sexual-harassment-employment_0.pdf.

A Cautionary Tale

Unlike a workplace environment where an employee or individual may feel pressured to endure harassment for financial reasons or feel afraid to file a complaint if the offense comes from a manager or boss, our clubs are voluntary. Members may choose to leave at any time and are under no obligation to tolerate behavior that makes them unhappy or uncomfortable. That said, imagine the loss of knowledge each missing person could bring—the diversity and the volunteer hours each missing member could contribute to the vibrancy of your club. Allow your members a safe approach to privately share their experiences, and you may be surprised to learn there was a hidden problem driving valued members away. Create a policy, determine a course of action, take a step in the right direction to protect your membership. Take every complaint seriously! Don't ignore it. Once it comes to your attention, you have a duty and an obligation to take corrective action. Your club may be open to potential liability if the situation escalates.

It has also come to my attention that clubs and smaller organizations have become targets for career complainers or harassers who feel they can "get away with it." There is an increased frequency of opportunistic individuals who will fabricate claims in hopes of litigation and monetary reward. Research every claim thoroughly, obtain witnesses, document everything in writing even if there is no formal complaint filed. Again—create a policy, determine a course of action, take a step in the right direction to protect your membership. It may be beneficial to decide what action could be taken if a complaint is proven to be false.

The following form may be adopted for use during investigation of a claim of sexual harassment and for filing a formal complaint. If there is any indication that the matter is unable to be resolved by your Board or may proceed to litigation, please email a copy of the formal complaint to:

Kimberly J Brannon, SCFMS Executive Secretary, kimberlyarts@hotmail.com

