

CARNEGIE LAKE ROWING ASSOCIATION
POLICY ON HARASSMENT AND DISCRIMINATION¹

A. POLICY

CLRA is committed to providing and maintaining an environment that respects the dignity and worth of each individual. Members are expected to treat each other civilly and with encouragement as we all seek to enhance our skills in the sport of rowing. This policy is intended to foster a culture of positive behavior--members are encouraged to support one another by speaking up in the moment if they encounter improper behavior. All members shall be permitted to participate in an environment free from all forms of unlawful discrimination and harassment. Inappropriate behavior and unlawful harassment of a member by another member are prohibited. This policy applies to all harassment occurring in the club's environment, whether at the Boathouse premises, in any club-related setting, or in electronic communications. The purpose of this policy is to foster an environment that is free from all forms of harassment, whether that harassment is because of race, creed, color, national origin, ancestry, age, pregnancy, religion, gender (including gender identity or expression), disability, marital status, affectional or sexual orientation, veteran status, domestic partner status, genetic information, atypical hereditary cellular or blood trait or any other legally protected classification.

1. Sexual Harassment: It is a violation of this policy to engage in sexual harassment of any kind. Sexual harassment, including unwelcome sexual advances, request for sexual favors and other verbal and physical contact of a sexual nature constitutes sexual harassment and consequently a violation of Federal, State and CLRA policies.

Sexual harassment, with or without sexual conduct, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's participation in the club; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's enjoyment of club activities or creating an intimidating, hostile or offensive environment.
- d. Sexual harassment includes but is not limited to:
 1. Gender Harassment: Generalized gender or sexual

¹ The policies set forth herein apply to both members and coaches. Any reference to members is understood to include coaches, who are also protected by and subject to this policy.

orientation based remarks and/or behavior, whether or not meant to be derogatory or provocative, e.g. use of stereotypes, offensive, insulting, derogatory or degrading remarks based on gender or sexual orientation, using sexually explicit language, gender or sex based pranks or jokes, and the display of sexually suggestive objects or pictures.

2. Seductive Behavior: Inappropriate, unwanted, offensive physical or verbal sexual advances, e.g. unwelcome or repeated flirtations, propositions or advances, unwelcome physical contact, whistling, leering, improper gestures, tricks or horseplay.

3. Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward, e.g. demands for sexual favors in exchange for favorable or preferential treatment.

4. Sexual Coercion: Coercion of sexual activity by threat of punishment, e.g. threatening to take or taking adverse actions.

5. Sexual Assault: Gross sexual imposition, such as touching, fondling, grabbing or assaulting.

2. Other Harassment: For purposes of this policy, other harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion to an individual or group of individuals that, singularly or cumulatively, has created a potentially unwelcome, disruptive and/or uncomfortable environment in which to participate in club events/activities.

Harassment does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion. For example, harassment does not include verbal admonitions to encourage team members to train harder and to push through a difficult training regimen.

Examples of prohibited behaviors that may constitute harassment include, but are not limited to:

a. Using epithets or slurs; mocking; ridiculing or mimicking another's culture, accent, appearance, or customs; threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's characteristics as defined in Section A above, including jokes and pranks; the displaying on walls, bulletin boards, social media, or elsewhere, written or graphic material that denigrates or shows hostility or aversion towards a person or group because of characteristics defined above.

b. Calling another by an unwanted nickname, which refers to one or more of the above characteristics, or telling ethnic jokes which create a hostile environment. Using derogatory references regarding any of the above characteristics in any club-related communication. Engaging in threatening, intimidating, or hostile acts based on the foregoing classifications.

B. COMPLAINT PROCEDURE AND INVESTIGATION

1. Complaint: Any member who wishes to report a possible incident of sexual harassment or other unlawful harassment or discrimination should promptly report the matter to the President. If the President is not available, or if you have a complaint against the President, or believe contacting the President would be inappropriate, you may contact the Captain, or other Board member, whichever seems most appropriate.

2. Contents of Complaints: All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim. All members are expected to cooperate with investigations undertaken pursuant to this policy. An initial complaint may be made orally or in writing. If the complaint is made orally, the individual to whom the complaint is made shall reduce same to a written document which shall, if it is deemed accurate, be signed by the complainant. The complaint file must include the following information:

- a. The name of the complainant;
- b. The name of the charged party;
- c. The nature and circumstances, in detail, of the alleged harassment, including but not limited to, the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions in question; and
- d. Whether such harassment has been previously reported, and if so, when and to whom.

Nothing in this section shall prevent the complainant from providing such other information or documents he/she believes are essential to the fair adjudication of his/her complaint.

3. Investigation: When a report of a possible incident of harassment is made, CLRA will conduct a prompt investigation. All investigations of discrimination/harassment claims will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of all persons involved. Although CLRA will make every effort to maintain confidentiality, note that it is not guaranteed that confidentiality can be completely maintained. All complaints will be investigated by the President or his/her designee or by the Captain or other Board member if the President is the subject of the complaint. The alleged harasser will be notified once a formal complaint is filed. A finding of no probable cause as a result of an investigation does not necessarily establish that an accusation was made in bad faith. However, this policy shall not be used to intentionally bring frivolous or malicious charges against a member or coach. A harassment investigation shall be conducted in a timely manner and shall include, but not be limited to:

- a. Interviewing the complainant;
- b. Interviewing all potential witnesses, including those persons who may have knowledge of similar incidents;
- c. Interviewing the charged party;

- d. Reviewing CLRA files for similar incidents involving the complainant and/or the charged party; and
- e. Assessing the presence or absence of corroborative evidence for either party.

The results of the investigation, along with a recommendation, will be forwarded to the President (or Captain if the President is the subject of the investigation) to make a final decision as to whether a violation of the policy has been substantiated. The final decision must be approved by the Board, or the Executive Committee of the Board.

Members who raise concerns and make reports in good faith can do so without fear of reprisal; at the same time members have an obligation to cooperate with CLRA in enforcing this policy and investigating and remedying complaints.

Anyone found to have engaged in such wrongful behavior will be subject to appropriate discipline, which may include but is not limited to termination from the club.

C. RETALIATION

Any member who files a complaint of harassment or discrimination in good faith will not be adversely affected in terms and conditions of membership and will not be retaliated against or discharged because of the complaint.

In addition, CLRA will not tolerate retaliation against any member who, in good faith, cooperates in the investigation of a complaint. Anyone who engages in such retaliatory behavior will be subject to appropriate discipline, up to and including termination. However, members may be subject to discipline for providing knowingly false information in a complaint or during the course of any investigation.

D. REMEDIAL ACTION

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action. Any member found to have violated this policy may be subject to appropriate disciplinary action, which may include: reprimand, suspension, or termination from the club.

Adopted by the CLRA Board of Trustees, February 26, 2018