

CHORUS Procedures on Sexual Harassment and Bullying

Purpose:

The Chorus (CHORUS) is committed to providing an environment that is safe and welcoming, and free from all forms of conduct that can be considered discriminatory, intimidating, or disruptive to Chorus functions, including behavior defined as sexual harassment or bullying. When allegations of sexual harassment or bullying are brought to the attention of CHORUS leadership, the following procedures shall ensure that the allegations are properly investigated, and that CHORUS appropriately responds when CHORUS leadership confirms that a member has been sexually harassed or bullied.

Procedures:

- I. Definitions
 - The procedures in this document align with the definitions specified and categorized in the CHORUS Policy on Sexual Harassment & Bullying.
- II. Distribution of Policy
 - a. Every Chorus singing member, non-singing member, volunteer, employee, and Board member (all of which are included hereafter in the term “members”) shall receive, review, and sign a copy of the “CHORUS Policy on Sexual Harassment & Bullying.” The member will retain a copy of the policy, or have access to the policy, such as through a membership handbook, or Board member handbook.
 - b. No member shall engage in a Chorus function, employment, or representation, until having signed the CHORUS Policy on Sexual Harassment & Bullying.
 - c. A member need sign the CHORUS Policy on Sexual Harassment & Bullying only once. Thereafter, the member will be obligated to abide by the policy whenever the member participates in a CHORUS function, until such time as the policy is changed, at which point a member shall sign the revised policy.
 - d. A signed copy of a member’s CHORUS Policy on Sexual Harassment & Bullying shall be kept on file under CHORUS control for as long as the member participates in CHORUS functions, and at least six years after the member’s last participation in a Chorus function.
- III. Reporting Sexual Harassment or Bullying
 - a. A member who experiences, or who witnesses, behavior that seems to be sexual harassment or bullying, should take action in response to the behavior.
 - b. A member can report an allegation of sexual harassment or bullying to the Artistic Director, Executive Director, Membership Director, or any Board Member (hereafter referred to collectively as “Chorus leadership”). The names of Chorus leadership shall be regularly announced to the membership in electronic communications available to all members, and verbally to all ensembles, at the start of every main chorus rehearsal cycle.
 - c. The Board shall appoint or designate two people to hold responsibility to investigate allegations, who may be Board members, or others (hereafter referred to as “investigators”).
 - d. A member of Chorus leadership who receives a report of an allegation of sexual harassment or bullying, shall refer the matter to one or both of the investigators within 24 hours of receiving the report.

- IV. Investigating Sexual Harassment or Bullying
 - a. At all times during the process of relaying the report to the investigators, and during the investigation, Chorus leadership and the investigators will make reasonable efforts to protect the confidentiality of the member(s) who reported the allegation, and the member(s) against whom the allegation is made, except as required by applicable law or legal process. It may be impossible to pursue an investigation without disclosing information that will make it likely that someone could determine the identity of the person who reported the allegation. Nonetheless, the investigators will not release details to anyone not associated with the report or allegation.
 - b. The investigators shall commence an investigation of the reported sexual harassment or bullying within 48 hours.
 - c. At a minimum, the investigation shall include
 - i. Contact with the member reporting the allegation.
 - ii. Interviewing the member reporting the allegation to obtain specific details as to when and how the sexual harassment or bullying occurred, who was involved, who witnessed the occurrence, and what specifically took place.
 - iii. Interviewing the member accused of sexual harassment, to obtain specific details from that member as to what took place, during the time as reported by the member who reported the allegation.
 - iv. Interviewing any potential witnesses to gain additional perspective on the conduct that led to the report of sexual harassment or bullying.
 - d. Having obtained adequate information from the interviews, the investigators shall compare the reported conduct against the definitions of sexual harassment and/or bullying as defined in the CHORUS Policy on Sexual Harassment & Bullying, or in relevant legal definitions available through the Ohio Revised Code, Ohio Administrative Code, or through advice of Legal Counsel.
 - e. Within 30 days of receiving the report, the investigators will develop a written summary and conclusion of their investigation. The summary shall include a formal determination as to whether a member's conduct constituted sexual harassment or bullying. The conclusion shall include a recommended response.
- V. Responding to the Results of an Investigation of Sexual Harassment or Bullying
 - a. Upon completing their report, the investigators will deliver their report to Chorus leadership. However, the investigators shall not deliver a copy of the report to any member of Chorus leadership who was the focus of an allegation of sexual harassment or bullying that led to the report and investigation.
 - b. Within one week of receiving the report, the investigators and Chorus leadership who received the report shall meet in Executive Session to discuss the report, and the recommended response. If all members of Chorus leadership cannot meet at the same time within one week, then those individuals unable to meet may submit their recommendations in writing to be read during the meeting. The meeting will make a final determination as to how to respond. In cases where Chorus leadership cannot reach consensus, the response supported by three-fifths of the votes of un-abstaining leadership shall prevail.
 - c. The Board will pursue the agreed-upon response.

- i. The investigators will verbally present their determination to the member who made the report, and to the member whose conduct was alleged to be sexual harassment or bullying. The investigators will provide a brief, written summary of the conclusion of the investigation to both the member who made the report and the member against whom the report was made. The investigators will not release the entirety of their report to any member.
 - ii. If sexual harassment or bullying is confirmed, then a response can include ordering that member to stop the offensive behavior, arranging rehearsals or seating charts to make sure that the reporting and offending members are separated, denying the offending member opportunities or privileges, suspending a singing member for a show, or completely terminating a person's relationship from the Chorus, temporarily or permanently. In extreme cases, such as if a member's confirmed conduct indicates the commission of a felony, or if an investigator or a member of Chorus leadership is so required through Ohio mandatory reporter statutes, then the investigators or Chorus leadership may contact police or other authorities and cooperate with a criminal/legal investigation.
 - iii. If sexual harassment or bullying is not confirmed, then a response can include reassuring the member who made the report and explaining why the behavior was not determined to be sexual harassment or bullying, arranging a monitored conversation between the reporting member and the member who engaged in the concerning behavior, or arranging seating charts to respect the sensitivities of the member. In extreme cases, such as if the investigators determine that the report was made as an effort to menace or humiliate another member, then the investigators may terminate that person's relationship from the Chorus, temporarily or permanently.
 - iv. If sexual harassment or bullying is confirmed to have occurred by an employee of the Chorus, paid contractor of the Chorus, or Board member of the Chorus, then the Board shall respond with discipline appropriate to the professional misconduct, up to and including termination of employment or contract, or removal from the Board.
- d. CHORUS shall retain the investigators' report and any notes on Chorus leadership action for six years after the final action of the Chorus leadership as described in V.c. of these procedures. The report and notes shall be sealed in an envelope, and shall not be unsealed except for purposes of cooperation with a police investigation, or civil litigation.

VI. Retaliation prohibited

- a. CHORUS does not allow retaliation against anyone who either reports or is accused of sexual harassment or bullying. The member making the report, and the person who engaged in the concerning behavior, as well as all other parties to a complaint or report are prohibited from harassing or intimidating anyone in connection with a charge of sexual harassment or bullying.
- b. CHORUS will investigate reports of retaliation, which can include making threats, spreading gossip, lying, or making statements about the report or the investigation, intimidation, threats of reprisal, interference, restraint, or penalty.

An investigation into retaliation will proceed similarly to an investigation into sexual harassment or bullying, as described, above.

- c. If CHORUS determines that people who reported harassment, or people accused of harassment, retaliated against someone, then an appropriate response will be taken to eliminate the conduct and discipline those responsible. Such responses shall be parallel to those listed in V.c, above.

Approved as an official Policy of the CHORUS by a Vote of Approval of the Chorus Board of Directors on _____, 2020.