

SOUTHERN NEVADA OFFICIALS ASSOCIATION SEXUAL HARASSMENT POLICY

POLICY STATEMENT

Southern Nevada Officials Association has established a constitution to ensure that our members are afforded certain rights within our Association. That constitution will always support and uphold all federal and state laws, especially those designed to protect the civil rights of our membership. Sexual Harassment, Discrimination and Hostile Work Environment are Against the Law. SNOA is committed to creating and maintaining an environment in which Members and Associates of SNOA are treated with respect. Sexual Harassment will not be tolerated. Reports of harassment will be taken seriously, promptly investigated, appropriately corrected and handled with care and consideration. While the focus of this policy is on Sexual harassment, discrimination and harassment of all forms including harassment based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 or older) or genetic information (including family medical history), are also illegal and will not be tolerated.

SCOPE

This policy applies to all Members and Associates of SNOA. Members would include the Board of Control Members, other Association leadership (including but not limited to, Board Chairperson(s), Committee Chairperson(s), Sport Board Members, Trainers, Assignors, Crew Chiefs, etc.), members, associate members, volunteer and/or consultants. Associates are those individuals who have a relationship with the Association which enables the Association to exercise some control over the individual's conduct in places and activities that relate to the Association's work. Clients, vendors and visitors would be Associates of SNOA. Some examples of these relationships may include but are not limited to: school or league administration, coaches, staff members, student or league athletes, staff members of facilities where members may conduct Association business, or have been contracted to hold SNOA events or events where SNOA members may attend, or any vendor hired by SNOA. Visitors are any individual who visits programs, activities and/or events and encounters program, activity, or event participants. Some examples of these individuals may include but are not limited to parents, fans and/or guests.

IMPLEMENTATION

While this policy presents SNOA's goals of creating an atmosphere that is free of sexual harassment, these goals extend beyond harassment that is actionable under the law. SNOA will exercise its authority to discipline or act upon conduct which it deems unacceptable. SNOA forbids unwelcome conduct in any setting related to its business activities. SNOA is committed to correcting any inappropriate conduct and to disciplining those who violate this policy.

Any Agent or Associate who engages in conduct prohibited by this policy will be subject to disciplinary action, up to and including, expulsion, vacancy of office and/or initiation of disciplinary action or remedy for such conduct. That includes conduct that occurs during all Association related business, business related social events, and includes Association business trips.

When harassment has occurred, and the harasser is an Associate of SNOA, the Association will make every attempt to gain appropriate remedy for the offense. If SNOA, or the member claiming harassment is not satisfied, remedy will be sought by filing a complaint through the EEOC.

It is unlawful to retaliate against an Agent or Associate of the Association for filing a complaint of sexual harassment or for participating in an investigation of a complaint of harassment. All claims of harassment, whether they are actionable under the law or otherwise will be investigated, the same expectations will apply to these cases. All forms of retaliation will result in disciplinary action up to and including discharge.

DEFINITIONS and EXAMPLES of SEXUAL HARASSMENT

Sexual Harassment is unlawful sex discrimination, and it includes sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or

Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

The legal definition of sexual harassment is broad and a determination of whether a claim of harassment is actionable under the law would be based upon several factors, regardless of whether conduct is actionable under the law, SNOA will not tolerate any form of unwelcome sexual conduct or sex discrimination.

In addition to the definition above, other sexually oriented conduct whether intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities, may also be constituted as sexual harassment, however, sexual harassment can occur in business relationships where members or associates are peers.

It is not necessary for the individual being harassed to be in a subordinate position to the harasser. While an agent of equal standing in the association may not have control over the compensation, benefits, or specific employment actions of an agent, they do have the ability to create an environment that may be hostile, offensive, intimidating, or humiliating. Any hostile conduct based on gender regardless of whether the individual engaged in harassment or the individual being harassed are of the same or different genders is prohibited.

It is not possible to list all possible circumstances that may constitute sexual harassment, however, the following are a few examples of conduct which, if unwelcome, may constitute sexual harassment under SNOA policy.

- Unwelcome sexual advances (physical or otherwise);
- Direct or implied requests for sexual favors in exchange for actual or promised job benefits such as, favorable reviews, increased pay, or preference in game assignments;
- Sexual or suggestive comments, jokes, teasing, written or oral references to sexual conduct, gossiping regarding one's sex life, comments on an individual's body movements on an individual's sexual activity, deficiencies, or prowess;
- Repeated sexual flirtation and/or propositions for dates;
- Displaying sexually suggestive objects, pictures, cartoons;
- Inquiries or discussions into one's sexual experiences or activities;
- Texting, sending picture messages, or otherwise communicating inappropriately via electronic devices, over the internet, using social media, and the like.

Sexual Violence, including Rape, Sexual Assault, Sexual Battery, or Sexual Coercion rise above the level of sexual harassment, they are serious criminal offenses and should be reported to the proper authorities. If you feel you have been a victim of these crimes, we encourage you to contact the police. If you are uncomfortable or unsure, we invite you to utilize the reporting process outlined in this policy and we will assist you.

MEMBER RESPONSIBILITY

All members are responsible for ensuring that the environment in which SNOA operates is free from unwelcome conduct that is prohibited by this policy. First and foremost, members can fulfill this responsibility by avoiding any behavior or conduct that could reasonably be interpreted or perceived as prohibited under the policy. Second, members can promptly report situations where they believe harassment to have occurred, regardless of whether they believe that harassment to be unlawful. An individual need not be harassed to report an incident of harassment. If an Agent is witness to harassment, it should be reported so that the SNOA Board of Control can ensure that the appropriate investigation and remedy are taken to eliminate the behavior.

LEADERSHIP RESPONSIBILITIES

SNOA Leadership have a responsibility to prevent sexual harassment from happening, addressing conduct that could be perceived as offensive, providing a supportive framework for any individual who complains of harassment, ensuring that the complaint is treated sensitively and rapidly, and ensuring that all allegations are investigated without delay to determine the facts and then to determine what action is required.

It is important to ensure that all members of the Association are aware of what is expected of them. Having a clear policy which outlines those expectations and the actions or recourse that will be taken by SNOA is imperative. This policy will serve that purpose and will be available to the members of the Association on the SNOA website (www.snoaofficials.com). Members of the Association will be apprised of its availability.

It is the responsibility of any member in a leadership position (Board of Control Member, Board Chairperson(s), Committee Chairperson(s), Sport Board Members, Trainers, Assignors, Crew Chiefs, etc.) who has witnessed, heard, heard of, or otherwise been made aware of conduct that is or may be inconsistent with this policy or who receives a report of conduct, from any source whatsoever, that is inconsistent with this policy **MUST** report the matter immediately to the SNOA Board of Control. The preferred method is via the Sexual Harassment Complaint Form (See Attached). This may be submitted via email or in hardcopy to any member of the SNOA Board of Control.

REPORTING PROCEDURES

Members who believe they have experienced sexual harassment have a responsibility to act. This responsibility applies whether the harassment is by an Agent of the Association, an Associate who is employed by an outside organization, or an individual who has a relationship with the Association which enables the Association to exercise some control over the individuals conduct in places and activities that relate to the Associations business activities.

Members who consider any person's behavior to be inconsistent with these guidelines are encouraged to directly inform the offending person(s) that such conduct is inappropriate or offensive and demand that the behavior stop. If, however, the Agent does not wish to communicate directly with the alleged harasser(s), or if direct communication has been ineffective, then that Agent is encouraged and expected to utilize the process outlined here.

Any member who becomes aware of any possible harassment should report it, verbally or in writing and without fear of reprisal or retaliation, to **ANY** SNOA leadership member including, Board of Control Member(s), Board Chairperson(s), Sport Board Members, Committee Chairperson(s), Trainers, Assignors, Crew Chiefs, etc. It is not necessary for a member to report within the sport they are assigned. Members may bypass their direct leadership entirely, and elect to report to leadership of any sport at any level of the Association. The date the report was received must be noted, both by the leader

who received the initial report and by the Board of Control Member who was then forwarded the report. SNOA will make every attempt to respond to reports of sexual harassment without delay. It is imperative that reports be forwarded to the Board of Control immediately after they have been received so a prompt and thorough investigation can begin.

If, for any reason, an agent would prefer not to discuss the issue of harassment with any of the SNOA leadership in person, the member is encouraged to utilize the Sexual Harassment Complaint Form (See Attached). The form can be submitted via email to the Board of Control Secretary (snoasecretary@gmail.com) or mailed in hard copy to the Board of Control President, (SNOA PO Box: 96264 Las Vegas, Nevada 89193). The report will be forwarded immediately to the Appeals Committee who will make contact as a part of their investigation.

INVESTIGATION and CORRECTIVE/REMEDIAL ACTION

At the onset of any investigation into sexual harassment, the parties' assignments will be adjusted such that parties are not placed together by the SNOA. If possible, neither individual will be disadvantaged by the investigation, however, the frequency of assignments for the individual claiming harassment may not decrease. The claimant may not be disadvantaged in any way by the report, investigation, or result of the claim.

ALL reports of harassment that the Association receives pursuant to this policy will be promptly investigated in as confidential, timely and thorough a manner as possible and in accordance with the requirements of applicable law. SNOA recognizes that allegations of harassment can be extremely sensitive, however, certain circumstances may require the Association to disclose such information to conduct a full and fair investigation or for other legitimate legal or business reasons. SNOA will take every precaution to protect the privacy of the individual who in complaining of harassment as well as the alleged harasser.

The SNOA Appeals Committee will serve as the investigative committee as they are comprised of impartial members in limited quantity. The Appeals Committee will designate an investigator(s) to investigate the claim of harassment. The investigator(s) will only involve those individuals necessary to complete the investigation. The steps to be taken during the investigation cannot be fixed in advance, as they will vary depending upon the nature of the allegations.

The investigation will generally begin with a private interview of the person reporting the alleged harassment, the alleged victim (if not the person who made the report), and the person alleged to have committed the misconduct. It may extend to witnesses of the alleged misconduct.

It is the responsibility of every individual involved in the investigation to cooperate fully and to refrain from discussing the matter with any other person(s) other than those conducting the investigation. The investigator(s) will remind all participants of this responsibility as well as the prohibition on retaliation.

When the investigation is complete the investigator(s) will report the findings to the Appeals Committee and determine if a violation of the sexual harassment policy has occurred. The Appeals Committee will submit a report of its findings along with the completed investigation file to the Board of Control.

The Board of Control will conduct additional investigation as needed, as well as reviewing the findings of the Appeals Committee and the evidence collected with legal counsel to determine if findings of sexual harassment have met the definition of unlawful. In cases where the claim has been found to be **"unlawful sexual harassment"**, the Board of Control reserves the right to IMMEDIATELY and without consultation, Vacate, Expel or otherwise Remove from any association with SNOA any Agent

or Associate guilty of the offense.

In cases where the claim has been found to be in a violation of the SNOA Sexual Harassment Policy but has not been defined “unlawful”, the Board of Control will select the appropriate disciplinary action. If a member in a leadership position is found guilty of the SNOA policy on sexual harassment, removal from the supervisory and/or board position is MANDATORY and retraining will be required, completion of such training is required before resuming any future assignment in the Association. The Board of Control will seek the consent of the SNOA All-Sports Board as a formality.

Where violations of the SNOA harassment policy are among peers, the guilty party’s schedule will be adjusted so that future contact with the victim is prevented. The Board of Control may, at its discretion, consult with the direct supervisor of the member to determine if additional disciplinary action may be necessary, this may include termination if there are other behavioral issues which may need to be considered.

While the person found guilty of sexual harassment is afforded an automatic secondary review of the findings in their determination of guilt, there will be no appeal on the disciplinary action taken.

If the person who engaged in inappropriate conduct is not an Association member, then SNOA will take whatever corrective action is reasonable and appropriate under the circumstances to gain remedy from the associates employer or the EEOC.

When the investigation is completed, the Board of Control will, to the extent appropriate, inform the alleged victim and the person alleged to have committed the misconduct of the results of the investigation. And the disciplinary action the Association will enforce.

The SNOA might conclude, depending on the investigation and findings, that no violation of the policy occurred or that a conclusion cannot be reached as to whether a violation has occurred. In any event, the Association ordinarily will take steps to ensure that the individuals involved are reminded of this policy and the SNOA’s commitment to a harassment-free environment. Those involved in an investigation will also be cautioned about retaliation.

RETALIATION

No hardship, loss of assignments or adverse action may be imposed on a member for complaining about or filing a good-faith complaint of harassment. Retaliation also includes negative action that would deter a reasonable individual in the same situation from making a complaint. Further, members of SNOA may not be harmed in any way for cooperating with or otherwise participating in the investigation of a complaint. Retaliation is a serious violation of this policy and should be reported immediately.

If a member believes that retaliation has occurred against any individual, then the member is encouraged to immediately report it through the means described above under “Reporting Procedures.” Anyone who is found to have retaliated against a member for complaining about or reporting harassment, or for cooperating or otherwise participating in a harassment investigation, will be subject to discipline, up to and including discharge.

RECORDKEEPING

As with all business conducted within the Association, meetings conducted with respect to these matters will be documented, minutes will be maintained. The Board of Control Secretary will maintain a record of all reports of harassment (sexual or otherwise), submitted directly to the Board of Control or forwarded to the Board of Control through any other source.

Upon receipt of any report, a copy will be forwarded to the Appeals Committee. The assigned investigator(s) will collect and maintain a file for the claim. At the culmination of the investigation and once the Appeals Committee has come to a final decision on the claim, the investigation file and the Appeals Committee report of findings will be submitted to the Board of Control. Any report or other writings that are generated during the investigation are the Association's property and will not be shared with those who have been interviewed as part of the investigation. All communication with the claimant or alleged harasser regarding findings or disciplinary action will be documented in writing and maintained in the file. At the closing of the claim, all documentation will be maintained by the Board of Control Secretary.