

HARASSMENT RESOLUTION PROCESS

Overview

The Holland Community Choral will act on any formal or informal allegation or notice of violation of the Holland Community Chorale's Harassment Policy that is received by a member of the board, staff, or chairperson of the operations committee. All reports of harassment will be promptly and thoroughly investigated. Reports and investigations will be kept confidential to the extent possible consistent with resolving the matter and taking appropriate corrective action.

This resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the harassment policy has been violated. If reasonable cause is determined, the Executive Committee will initiate a confidential investigation that is thorough, reliable, impartial, prompt, and fair. If this investigation and the subsequent resolution process determines that the harassment policy has been violated, the Executive Committee will promptly implement effective remedies designed to end the harassment, prevent its recurrence, and address its effects.

The privacy of all parties to a report of misconduct must be respected, except insofar as it interferes with the Holland Community Chorale's obligation to fully investigate allegations of said misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to action by the Chorale, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

Receipt of and Immediate Response to a Complaint

The Holland Community Chorale's Harassment Policy specifies that complaints should be directed to:

- the Artistic Director, or
- the President of the Board of Directors, or
- the Chairperson of the Operations Committee.

However, if any member of the board, staff, or the chairperson of the operations committee receives a report of an incident, they are responsible to report it to one of the three people listed above.

When the Artistic Director or the Chairperson of the Operations Committee is made aware of alleged harassment, **they** will report it immediately to the President.

When the President receives notice of a complaint, **they** will do the following:

1. Document the incident in a log. (This log should be kept faithfully for the duration of the inquiry, investigation, and resolution of the process.)
2. Contact a lawyer. **(This initial communication is to outline the situation, assess next steps, and solicit information regarding fees. Once the Executive Committee votes to secure the services of the lawyer, the President will maintain contact with legal counsel throughout the process as necessary.)**
3. Inform the Executive Committee of the Board, stressing the need for confidentiality.
4. Choose one other member of the Executive Committee or Board to assist **them** in a preliminary inquiry (see below) regarding the complaint.

Preliminary Inquiry

Following receipt of notice or a report of misconduct, the President and **their** designated assistant shall engage in a preliminary inquiry to determine if there is reasonable cause to believe the Harassment Policy has been violated. This inquiry is designed to help the Executive Committee to determine if further action is warranted, whether in the form of interim actions or a formal investigation or both. The preliminary inquiry typically will take place within one week of the receipt of the complaint. It shall consist of a face to face meeting with the person making the

complaint. At the conclusion of the meeting, the President and **their** assistant shall give the person a written and signed receipt, stating the generic nature of the conversation, along with the date, time, and location of the meeting.

In any case where violence, threat, pattern, predation, and/or weapons is not evidenced, the President may respect a reporting party's request for no action, and will investigate only so far as necessary to determine appropriate remedies. As necessary, the Holland Community Chorale reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

~~If conflict resolution is desired by the reporting party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.~~

In cases where the reporting party wishes to proceed or if the Executive Committee determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the President will initiate a formal investigation.

Interim Remedies/Actions

The President may provide interim remedies intended to address the short-term effects of harassment, discrimination, and/or retaliation, i.e., to redress harm to the reporting party, responding party(ies), and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services,
- Education to the community, and/or
- Working with the Artistic Director to minimize contact between the parties in formal and informal Chorale settings.

Formal Investigation

Once the decision is made to commence a formal investigation, the President will begin the investigation in a timely manner—typically within one week of

determining that an investigation should proceed. Investigations should be completed in an expeditious manner, normally within 30 working days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The Holland Community Chorale may undertake a short delay in its investigation (several days to weeks) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The Holland Chorale will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. The Holland Community Chorale's action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt, and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, as necessary.

While the President is responsible for conducting the formal investigation, the Executive Committee of the Board (plus others they may designate) are responsible for overseeing the process of the investigation, receiving the President's report, and making the final judgment regarding the case, including any disciplinary actions. This body shall comprise the Resolution Team.

The investigation will typically take the following steps, if not already completed (not necessarily in order):

- The President will initiate or assist with any necessary remedial actions
- Determine the identity and contact information of the reporting **and responding parties**
- Identify all policies allegedly violated
- Complete an immediate preliminary inquiry to determine if there is reasonable cause to believe the responding party has violated policy.
- If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action

- If there is sufficient evidence to support reasonable cause, the President shall work with the Executive Committee to appoint a Resolution Team. This team shall consist of the Executive Committee and, if desired, other individuals they deem helpful to the process. Due to the importance of confidentiality, this Resolution Team shall be kept as small as possible.
- Commence a thorough, reliable, and impartial investigation. This may include developing a strategic investigation plan--including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party, who may be given notice prior to or at the time of the interview.
- Prepare the notice of allegation [charges] on the basis of the preliminary inquiry
- Meet with the reporting party to finalize their statement, if necessary
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an advisor of their choosing present for all meetings attended by the advisee (the advisor may be a member of the Resolution Team)
- Provide the reporting party and responding party with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses
- Provide regular updates to the reporting **and responding parties** throughout the investigation ~~as agreed upon between parties~~
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Write a report outlining the essentials of the complaint, the steps taken in the investigation, and preliminary recommendations
- Submit the report to the Resolution Team, which will then render a judgment on whether a policy violation is more likely than not to have occurred based on a preponderance of the evidence.
- Once the report is complete, the report, including preliminary conclusions based on a preponderance of the evidence whether a policy violation is more likely than not, will be shared with the parties for their

review and comment. The review and comment period will be five working days. The President may incorporate feedback from the parties as appropriate, and re-submit the report the Resolution Team

- Work with the Resolution Team to make a final judgment on the case and to determine disciplinary consequences, if necessary
- The President will finalize and share the final investigative report with the parties, without undue delay between notifications.

At any point during the investigation, if it is determined there is no reasonable cause to believe that Holland Community Chorale's policy has been violated, the President, in consultation with the Executive Committee, has the authority to terminate the investigation and end the resolution proceedings.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Resolution Process proceedings.

Appeal

If a reporting or responding party wishes to appeal the verdict of the Resolution Team, the matter may be submitted to the full Board of Directors for consideration. In this case, the Board of Directors shall review the evidence in a timely and confidential manner, notifying the parties of their judgment and any disciplinary consequences without undue delay. All decisions of the full Board of Directors pertaining to the case are final.