

Georgetown Swim Club
Sexual Harassment Policy

Georgetown Swim Club will not tolerate or in any other respect condone the existence of a hostile or offensive work environment in which sexual harassment and intimidation are present. In addition to violating the policy of Georgetown, such conduct is prohibited by both Federal and State statutes and court decisions.

May, 2002

INTRODUCTION

Georgetown Swim Club (“Georgetown”) has an ethical responsibility for maintaining high standards of moral conduct and is committed to maintaining a work environment free of inappropriate and disrespectful conduct and communication of a sexual nature or which is directed at an employee because of the employee’s sex.

Georgetown has determined it to be in the best interests of all employees, members and visitors of Georgetown to adopt a policy prohibiting and condemning sexual harassment of any type within the work place and for Georgetown to take affirmative action so as to minimize the occurrence of such conduct within its facility.

The Civil Rights Act of 1964 (the “Act”), namely Section 703 of Title VII, governs harassment. In November of 1991, President Bush signed the Civil Rights Act of 1991 which addresses further the issue of sexual harassment. The Act specifically provides for jury trials for a sexual harassment complaint and in addition provides the potential for the award of punitive and compensatory damages to an individual who brings a sexual harassment claim. The Equal Employment Opportunity Commission (EEOC) is the Federal agency, which has been charged with enforcement of the Act. The EEOC has established the guidelines, which govern sexual harassment in the work environment and serves as a forum for the filing of complaints that arise as a result of acts of sexual harassment. The New Jersey Law Against Discrimination (“LAD”), specifically N.J.S.A. 10:5-12, sets forth the state law that governs sexual harassment as an unlawful employment practice and unlawful discrimination. The New Jersey Division on Civil Rights is the State agency, which has been charged with enforcement of the LAD. Thus, prohibitions and remedies exist both at the federal and state levels.

STATEMENT OF POLICY

It is the policy of Georgetown that all employees, members and visitors of Georgetown are entitled to perform their duties and use the Georgetown grounds free of discrimination and sexual harassment. Sexual harassment as defined herein is unacceptable conduct and will not be tolerated. No person should be required to tolerate actions that demean, debilitate or diminish him or her.

It is the primary responsibility of Supervisors and employees to ensure that an environment free of sexual harassment is provided to all employees, members and visitors. This responsibility pertains not only to conduct which may be undertaken by supervisory and non-supervisory employees, but to members and visitors on the Georgetown premises.

In accordance with applicable Federal and State statutes, it is the responsibility of Georgetown to:

Ensure that the working environment is free from acts of sexual harassment by its supervisors, employees, members and visitors.

Take immediate and corrective action when sexual harassment has occurred.

Make all employees aware of the policy against sexual harassment and the procedure for filing complaints when sexual harassment has occurred.

Georgetown will ensure that steps will be taken to protect any person who files a complaint or participates in any way in the investigation of a complaint. Additionally, Georgetown will ensure that a complaint's concerns will remain confidential throughout the investigatory process and that only those persons, who are involved in the process, including witnesses, will be made aware that a complaint has been filed. In those cases where a complaint of sexual harassment has been investigated and substantiated, appropriate disciplinary action will be taken.

To ensure that all Georgetown employees are aware of their rights and responsibilities, this policy will be distributed to all employees. Employees who have been the subject of, or who have observed sexual harassment practices, as defined below, which they believe have interfered with work productivity, denied employment opportunities, or interfered with the rights if employees, members or visitors are encouraged to file a complaint with the individual so designated to receive and investigate such complaints

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment exists when any person's conduct unreasonably interferes with another's status of performance by creating an intimidating, hostile, or offensive environment. This includes deliberate, unwanted, or unwelcome behavior of a sexual nature, sex-role stereotyping, or conduct directed at an individual strictly because of the individual's sex or sexual preference.

Such harassment may be verbal, nonverbal, or physical in nature. It may be made explicitly or implicitly.

Sexual harassment becomes illegal discrimination when:

Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual.

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Such conduct has the purpose or effect of unreasonably interfering with the rights of employees, members, and visitors to be free from sexual harassment or creates an intimidating, hostile, or offensive environment for such employees, members or visitors.

The following are considered to be examples of behavior which constitutes sexual harassment:

- A. Obscene gestures
- B. Flirtatious whistling
- C. Contemptuous comments or jokes about persons of the opposite sex
- D. Derogatory sexual remarks
- E. Placing obscene photographs, cartoons, graphics, or suggestive objects in the grounds of Georgetown
- F. Intentionally offensive physical contact such as patting, grabbing, pinching, or constant brushing against another's body
- G. Subtle requests for sexual activity
- H. Repeatedly offensive verbal and/or physical sexual advances which cause the recipient discomfort or humiliation and/or interfere with the recipients job performance.

I. The threat or “insinuation” that the lack of sexual cooperation will adversely affect the recipient’s:

1. Employment
2. Probation
3. Promotion
4. Assigned duties
5. Evaluations
6. Pay or compensation

J. Harassment based on sexual stereotypes

Sexual harassment may involve not only the harasser, but also other persons who either support the actions of the harasser, or are indifferent to his or her behavior.

ENFORCEMENT PROCEDURE

All Supervisors are responsible for implementation of Georgetown's nondiscrimination policies, for ensuring that all employees they supervise have knowledge of and understand the policies, and for taking and assisting in prompt and appropriate corrective action when necessary to ensure compliance with the policies. All employees are strongly encouraged to use the complaint procedure if they believe they have been subjected to discrimination and/or harassment or have knowledge of any discrimination and/or harassment of fellow employees, members or visitors of Georgetown.

The initiation of a complaint, in good faith, shall not under any circumstances be grounds for discipline. It is a violation of Georgetown policy and applicable law for an individual to be disciplined or otherwise disadvantaged as a result of the good faith resort to this complaint procedure.

PROCEDURE FOR FILING COMPLAINTS

- 1 Any employee, member, or visitor who has reason to believe that he or she has been subjected to sexual harassment (the “Complainant”) should report the incident directly to the Club President. If the employee is not comfortable reporting the incident to the Club President for any reason, the employee, member or visitor should report the incident to any member of management with whom the employee, member or visitor is comfortable discussing the incident. The complaint should include the following information:
 - (a) Date of the occurrence;
 - (b) Parties involved;
 - (c) Location of the incident;
 - (d) Specific acts of sexual harassment which occurred;
 - (e) and Names of witnesses; if any.
- 2 The Club President, or his designee shall, upon receipt of a complaint, conduct an interview with the Complainant. The Complainant shall be advised that all information in the complaint shall remain confidential, except to the extent necessary to complete the investigation. If the Club President is alleged to be the harasser, that individual shall not participate in the interview of the Complainant. If the Club President is alleged to be involved in the harassment, the Complainant shall be interviewed by another board member of Georgetown.
- 3 After interviewing the Complainant, the Club President shall conduct a confidential investigation of the allegations contained in the complaint. The Club President shall have authority to interview the accused and all persons who may have relevant knowledge or information about the matter. If the alleged harasser is the Club President, the investigation shall be conducted by another board member of Georgetown.
- 4 Every effort shall be made to complete the investigation within a reasonable period of 15 working days from receipt of the complaint.
- 5 Upon finding that sexual harassment has occurred, the Club President, or the individual designated to perform the investigation, shall cause disciplinary action to be taken commensurate with the degree of the misconduct. The disciplinary action to be taken will be based upon the facts established during the investigation and may include written warnings, suspension, or termination.
- 6 The Club President, or the individual designated to perform the investigation, shall notify the Complainant in writing of the results of the investigation.
- 7 If either the Complainant or the alleged harasser is not satisfied with the results of the investigation, the Complainant or the alleged harasser may file an appeal with The Board of Directors of the Club by delivering a copy of the request for appeal to the

secretary of the Board of Directors. The request for appeal shall set forth the reasons why the findings are being appealed and must be filed within twenty (20) days after receipt of the written results of the investigation. The Board of Directors shall review all of the information contained in the investigation file and provide the appealing party and the non-appealing party with an opportunity to be heard prior to issuing its decision. The decision of The Board of Directors shall be issued within thirty (30) days after the appeal is filed and shall be considered final.

- 8 Upon completion of the investigation the entire file shall be sealed and kept in a location separate from all other personnel records and/or files.

LEGAL EFFECT

This Sexual Harassment Policy is to be construed as a unilateral expression of the policy of Georgetown concerning sexual harassment. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended and revised as circumstances require.