

Sexual Harassment and Bullying Grievance Procedure

Adopted by PVAS Board of Directors March 2023

PVAS is committed to providing a workplace and offering programs that are free from sexual harassment and bullying. Sexual harassment and bullying are not tolerated. When PVAS determines that an allegation of sexual harassment or bullying is credible, it will take prompt and appropriate corrective action. This policy applies to employees, officers, directors, members, volunteers, and program participants.

Sexual harassment is any unwanted or uninvited sexual behavior that is offensive, embarrassing, intimidating, or humiliating. It has nothing to do with mutual attraction or friendship. Examples of sexual harassment are sexual or sexually suggestive remarks; sexual propositions; repeated, unwelcome requests for dates; repeated questions about personal life; and jokes of a sexual nature.

Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical, and/or social behavior that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Any individual who believes they may have been sexually harassed or bullied in violation of PVAS's Sexual Harassment and Bullying Policy may follow the procedure outlined below. In addition, any employee, officer, director, member, or volunteer who believes he or she has been the target of sexual harassment or bullying is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

Complaints

Complaints by Employees:

Complaints by employees involving claims of sexual harassment or bullying should be filed with:

Executive Director
Potomac Valley Audubon Society
PO Box 578
Shepherdstown, WV 25443

Complaints by Officers, Directors, Members, Volunteers, and Program Participants

Complaints by the above involving claims of sexual harassment or bullying should be filed with:

Executive Director
Potomac Valley Audubon Society
Shepherdstown, WV 25443

If an incident or incidents involving claims of sexual harassment or bullying are alleged to involve actions of the Executive Director, complaints may be filed with the PVAS President and Executive Committee. Such complaints will be reviewed by the PVAS President and Executive Committee and referred for

resolution as below. Send these complaints to:

Executive Committee
Potomac Valley Audubon Society
PO Box 578
Shepherdstown, WV 25443.

Letters of complaint and their envelopes should be marked "Confidential".

Anonymity and Confidentiality

Anonymous complaints are recorded and investigated based on the contents of the complaint. Anonymous complaints are treated with full confidentiality.

Discrimination Grievance Officers:

The persons designated above to receive complaints under these procedures shall be referred to as discrimination grievance officers. If a designated grievance officer is the accused party, the complaint may be filed with any other grievance officer assigned by the Executive Committee.

Procedure

Any employee, officer, director, member, volunteer, or program participant who believes he/she/they has been the target of sexual harassment or bullying is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

Contents of Complaint:

Complaints must be filed in writing with the discrimination grievance officer and must contain:

1. the name and address of the person making the complaint ("Complainant")
2. a brief description of the alleged sexual harassment or bullying action or actions
3. the date or dates of the alleged sexual harassment or bullying actions
4. the person or persons alleged to have engaged in the sexual harassment or bullying discriminatory action or actions

Deadline for Filing the Complaint:

The complaint must be filed with the appropriate discrimination grievance officer within 30 days after the complainant becomes aware of the alleged sexual harassment or bullying. (Processing of allegations of sexual harassment or bullying that occurred before these grievance procedures were in place will be considered in accordance with these procedures).

Response:

The accused party will be provided a copy of the complaint and will provide the grievance officer a written response within five days after receiving a copy of the complaint. The grievance officer, in consultation with the Executive Committee, may waive the requirement for a written response if the matter has been informally resolved (see below).

Informal Resolution:

The grievance officer will notify the appropriate staff manager or committee chair of the complaint and make a preliminary investigation of the particulars. The Executive Director or other assigned grievance officer shall determine whether the matter may be promptly resolved informally (for example, when the complaint arises from miscommunication between the parties, or when the accused party admits wrongdoing and agrees to take appropriate corrective action). Informal resolution will be attempted as soon as possible and need not wait for the written response of the accused party, unless deemed appropriate by the Executive Committee.

Investigation:

If the matter cannot be resolved informally, the grievance officer will proceed with an investigation. The investigation may be informal but shall be impartial and as thorough as appropriate under the circumstances. The complainant and the accused party shall be given an opportunity to submit evidence relevant to the filed complaint. The grievance officer may also interview persons who the officer believes may have knowledge bearing on the matter and may require the complainant or accused party to provide additional documentation, information, or evidence that the officer deems appropriate. The particulars of the investigation of the grievance officer, whether discovered through formal or informal proceedings, will be documented, and kept on file.

Determination and Resolution:

The grievance officer will prepare written findings as to the validity of the complaint and will recommend resolution of the complaint, if any (the recommendation). The recommendation will then be given to the Executive Committee, who will make the final decision and communicate the decision to the complainant and the accused party (the determination). In the event the alleged sexual harassment or bullying involves a member of the Executive Committee the matter will be referred to the entire board which will assign an unbiased ad hoc committee of not fewer than five members to make the determination.

Appeal:

Either party may appeal the determination by filing a notice of appeal (the notice) with the PVAS President. The notice must be filed within five days after receipt of the determination and must include a copy of the determination and an explanation of the reason or reasons why it is being appealed. Copies of the notice shall be provided by the appealing party to the grievance officer. The grievance officer will provide a copy of the notice to the other party. The other party may file a rebuttal statement to the appeal within five days after receipt of the notice. The PVAS President (or designee) shall review the matter and take any appropriate action, including, but not limited to referral to the entire board of directors for affirmation, modification, reversal of the determination, or requiring that additional investigation be performed. The PVAS President (or designee) shall provide a written decision to both parties and the grievance officer.

Files:

All files, written correspondence, evidence, recommendations, and decisions related to complaints are to be marked as “Confidential Information” and maintained in a separate confidential file for the complaint. Access to such confidential files is decided by the Executive Director or the Executive Committee.