

## **Policy and Procedure on Harassment in SFWA Venues**

### **Introduction**

SFWA sponsors or hosts discussion forums, publications, the SFWA website, the Nebula Awards Weekend, the SFWA suite and other programs and activities (the “Venues”). SFWA is dedicated to assuring that the use of and access to the Venues by SFWA members is free of all forms of harassment, intimidation and discrimination on the basis of race, age, sex, gender, gender identity, national origin, ancestry, disability, medical condition, religion, sexual orientation, veteran status, marital/domestic partnership status, or citizenship.

This Policy is applicable to members of the SFWA Community that participate in the Venues. The SFWA Community is comprised of SFWA staff, employees, officers, members, and non-member guests. This Policy helps to promote the realization of SFWA’s mission to inform, support, promote, defend and advocate for our members. This Policy is procedurally separate and distinct from SFWA’s employment-related policies.

### **Definitions**

Sexual harassment proscribed by this Policy includes (1) unwelcome sexual advances, requests for sexual favors, and other physical, verbal or written conduct of a sexual nature, and (2) creating an intimidating, hostile, or sexually offensive environment by severe or pervasive conduct. Written conduct includes postings or similar conduct in online or electronic venues. Sexual harassment may occur in hierarchical relationships or between peers, and between persons of the same sex or opposite sex.

A hostile environment can be created by, among other things, unwanted jokes, gestures, and unwelcome comments and repartee; touching and any other bodily contact such as scratching, rubbing, or patting a person's back, backside, or chest, grabbing another person around the waist, or deliberately interfering with a person's ability to move, or written conduct referring to same; repeated requests for dates or sex that are turned down, or other unwanted flirting, and transmitting or posting emails or pictures of a sexual or other harassment-related nature.

With regard to access to or use of the Venues, discrimination or harassment that is based on race, age, sex, gender, gender identity, national origin, ancestry, disability, medical condition, religion, sexual orientation, veteran status, marital/domestic partnership status, or citizenship, is also prohibited by this Policy.

This Policy is implicated when the harassment, intimidation or discrimination is sufficiently severe or pervasive to deny or limit a person’s ability to participate in or benefit from SFWA’s Venues. It is not necessary that the harassment, intimidation or discrimination have been directed specifically at any complaining party.

### **Free Speech and Artistic Freedom**

As participants in creative industry, most members of the SFWA Community are particularly cognizant of the free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. Moreover, SFWA itself is organized around the principles of free inquiry and the collective search for knowledge, and views creative freedom as a special area of protected speech. However, freedom of speech and artistic and creative freedom are not limitless and do not protect speech or expressive conduct that violates federal, state law, or SFWA’s properly adopted policies.

The purpose of this Policy is intended to discourage harassment, intimidation and discrimination in SFWA Venues, in a manner that is consistent with SFWA's organizational principles. Therefore, this Policy shall be implemented in a manner that recognizes the importance of the freedom of speech and expression: no provision of this Policy shall be interpreted to prohibit conduct that is legitimately related to fiction, teaching methods, or public commentary of an individual member or the educational, political, artistic, or literary expression of members in fiction and public Venues.

### **Reporting Procedures**

The first step of a person who believes that there has been a violation of this Policy should be to communicate calmly with the individual engaging in the offensive behavior and tell him or her that you find his or her behavior to be inappropriate and request that it cease.

If such behavior does not immediately cease, or if direct communication is insufficient or uncomfortable, the behavior may be reported to the SFWA Ombudsman, the SFWA President or SFWA Event Organizer. Such report should include the substance of the complaint, date(s), a list of witnesses and/or, when appropriate, reference URLs. In addition to notifying the individuals identified above, a complainant may also request assistance from any SFWA officer, employee or volunteer.

### **Non-Retaliation**

This Policy prohibits retaliation against a member of the SFWA Community for reporting harassment, intimidation or discrimination and for participating in an investigation relating to same. The sanctions for Retaliation are the same sanctions available to address any other violation of this Policy.

### **False Allegations**

It is a violation of this Policy for a member of the SFWA Community to knowingly or with reckless disregard for the truth make false claim of harassment, intimidation or discrimination. Failure to prove a claim of unlawful harassment is not, by itself, equivalent to a false claim.

### **Sanctions for Violation Of Policy**

Harassment, intimidation and discrimination in violation of this Policy is materially and seriously prejudicial to the purposes and interests of SFWA. When it has been determined that a violation of this Policy has occurred, the SFWA Board Of Directors will determine, in its sole discretion, the appropriate sanction.

Notwithstanding the foregoing, the SFWA President may take or direct to be taken any temporary action appropriate to protect the purposes and interests of SFWA, including warning or alerting the offending party as to the nature of the offense, removal of either the complainant and/or the accused harasser from the SFWA Discussion Boards where the harassment or discriminatory conduct occurred, or otherwise diffusing the situation to protect both the participants and others in SFWA space from further harm or unpleasantness. Should such action be taken, a detailed report of the incident should be submitted to the rest of the Board so it can consider taking further action in the matter.

Should conduct believed to be in violation of this Policy occur at a physical venue (the Nebula Weekend, SFWA suite, meeting, or other event) the SFWA Board member, employee, or

volunteer in charge of the event at the time of the conduct may take reasonable action to stop the apparent harassment and ensure the safety of persons at the event. Reasonable action may include, but not be limited to, verbal notification to the individual that the behavior believed to be in violation of this Policy should be discontinued immediately, and/or removal of the individual from the immediate area. If action is taken, the person taking the action shall deliver a written report on the event incident (including a detailed narrative of the incident and the names of all persons involved and of any witnesses) to the Ombudsman and/or the SFWA President, who shall submit the report to the Board so it can consider taking further action in the matter.

The SFWA Board of Directors is responsible for the implementation of this Policy and the administration of the associated procedures. Upon receiving a report of a violation of this Policy, the SFWA Ombudsman or the SFWA President, as the case may be, shall provide formal notice (the "Notice") of such conduct to the Board. As supplements or alternatives to the sanctions of suspension or expulsion, the Board may also take one or more of the following non-exclusive actions:

- Warning one or more parties involved that specified behavior is inappropriate
- Requiring a formal apology on behalf of the complainant(s)
- Removing access to SFWA spaces or Venues on a temporary or permanent basis
- Barring a non-member from future membership
- Removal of a director from the board of directors (As per Article V, Section 5, Subsection c of SFWA Bylaws: Removal of a Director by the Board)

If the Board concludes that the behavior is sufficiently egregious to warrant suspension or expulsion, the procedures relative to the Notice and the Board's action thereon shall be those procedures set out in SFWA's Operating Policies and Procedures Manual ("OPPM"), "Procedures For Suspension and Expulsion Of Members". The Board may pursue an investigation in cases when the complainant is reluctant to proceed.

### **Confidentiality**

The SFWA Board of Directors will make every reasonable effort to conduct all investigations into allegations of harassment, intimidation or discrimination in a manner that will protect the confidentiality of all parties. Notwithstanding the above, confidentiality is not absolute, and those with a legitimate business reason to know and to be informed of the allegations will be so informed. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.