

# **ATCA Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

## **I. Policy Overview and Objectives**

ATCA believes that every International Alexander Technique Congress (“Congress”) should be a professional yet enjoyable atmosphere free from unlawful and other discriminatory practices and harassment, including sexual harassment. ATCA expects that all relationships among persons attending ATCA Congresses or other sponsored events will be business-like and free of bias; prejudice; harassment, including sexual, verbal and physical; retaliation; or other undesirable or unlawful discrimination. To achieve our goal of providing a harassment free environment, this Policy defines and describes conduct actionable under this Policy and the procedures for reporting any perceived violations.

**Note:** Since neither ATCA nor Congress Directors have the same authority or resources to investigate or stop criminal activity as law enforcement bodies, we strongly encourage individuals to use the criminal, legal, judicial and social support systems available in the relevant jurisdiction. Reporting criminal activity can be a strong deterrent and hold people accountable. It can also offer ATCA essential information that can help inform our process and decisions, although ATCA does not require a police report to investigate complaints. However, both ATCA and the Congress Directors encourage any person who believes they have been the victim of sexual or other legally actionable misconduct to report the incident(s) local law enforcement authorities.

**Note:** While ACTA will strive to keep all investigations confidential as discussed below, there may be situations where ACTA or its designee is required to report violations of this Policy to entities outside of ATCA.

## **The Policy**

### **II. Definitions**

1. ATCA: The organization overseeing the administration and offering of each Congress and may be referred to as “ATCA” or “we.”
2. Congress Directors: The party(ies) licensed by ATCA to organize, administer and implement a Congress.
3. ATCA Complaint Review Committee (“CRC”): The three (3) member ATCA Committee responsible for accepting, reviewing, and investigating misconduct Complaints. The CRC is also responsible for (i) determining whether there was a violation of the Policy and (ii) if a violation is found, issuing and overseeing any actions ATCA implements because of the findings.
4. Complaint: Any allegation of a violation of this Policy.

5. Complainant: A person who reports a violation of this Policy.
6. Alleged Harasser: A person alleged to have violated the Policy and responding to a Complaint.
7. Parties: The Complainant or Alleged Harasser collectively referred to as the “Parties.”
8. Witness: A person whom the Complainant or Alleged Harasser identifies as having first-hand, relevant information about the alleged violation or lack of violation.
9. Attendee: A person attending an AT International Congress.
10. Service Provider: Any person providing a service to Attendees during the Congress, including but not limited to presenters, keynote speakers, or volunteer teacher/trainers.
11. Timeline for filing a Complaint: A Complainant must file a Complaint within 12 months of the closing date of the Congress.
12. Preliminary Review: The CRC’s initial review following receipt of a Complaint to determine whether to initiate an Investigation.
13. Investigation: The fact-finding process conducted by the CRC that determines whether there is sufficient, timely information to determine whether there has been a Policy violation.
14. Notification of Investigation: The written Notification to the Alleged Harasser informing them of the initiation of an Investigation.
15. Notification of Finding: The written communication from ATCA or an ATCA designee that notifies the parties about the findings of the Investigation. If ATCA or its designee finds that the Alleged Harasser violated the Policy, the Notification will also inform the Alleged Harasser of any actions ATCA implements as a result of the findings.
16. Appeal: Either Party’s right to contest the findings of the Investigation, but only on the following bases: (a) significant procedural lapses or (b) the appearance of substantive new evidence not available at the time of the original decision.
17. ATCA Appeals Committee (“AAC”): The three (3)-member ATCA committee that considers Appeals.
18. Retaliation: An adverse action taken against a Complainant or Witness in response to their submission of a Complaint and/or participation in an Investigation. Examples of adverse action include, but are not limited to, withholding a certificate of completion or prohibiting an Attendee from a Congress event.

### **III. Sexual Harassment**

Sexual Harassment: Unwelcomed conduct of a sexual nature, whether physical or verbal, that is directed at an individual because of that individual’s sex, such as:

- Non-consensual sexual touching: A broad term that refers to any deliberate non-consensual touching of a person’s body, which conduct can range from unwanted touching such as fondling, up to and including non-consensual sex.

- Verbal: Use of sexually suggestive or explicit statements, whether through speech or written form, that create a hostile environment.

Examples of Sexual Harassment include, but are not limited to:

- Physical acts of a sexual nature -- such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another's body or poking another's body; Rape, sexual battery, molestation or attempts to commit these assaults;
- Unwelcome sexual advances – such as requests for sexual favors whether they involve physical touching or not;
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience;
- Sexual epithets, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Comments or conjecture about a person's sexual orientation or gender identity.
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

**Sexual Harassment may involve persons of the same or different gender.**

#### **IV. Harassment**

Harassment based on ethnicity, race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law is strictly prohibited. Under this Policy, harassment may be verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:

a) has the purpose or effect of creating an intimidating, hostile or offensive environment that adversely impacts an individual ability to participate in an ATCA event or b) has the purpose or effect of unreasonably interfering with an individual's participation in an ATCA event.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is stated verbally or in writing, circulated or posted during an ATCA event, including statements made via e-mail, phone (including voice messages), text messages, social networking sites or other means.

## **V. Retaliation**

ATCA prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. ATCA encourages the reporting of all perceived incidents of retaliation, which will be investigated pursuant to the procedures below.

## **VI. Individuals Covered and Reporting Timeline**

These policies apply to all Attendees and participants, in whatever capacity, of ATCA Congresses or other ATCA supported events. Any Complaint should be reported to ATCA or its designee within 21-days of its occurrence, unless ATCA determines that an extension is warranted.

## **VII. Procedure**

### **A. Reporting a Complaint**

An individual who has personally experienced harassment or sexual misconduct as defined in the Policy must report the complaint. Any Complaint should be reported to ATCA or its designee within 21-days of its occurrence, unless ATCA determines that an extension is warranted.

### **In the interest of safety and privacy, ATCA will not initiate an Investigation based upon a third-party report of a Policy violation.**

To report a violation of the Policy, send the following information to [ATCAPolicyCommittee@atcacom](mailto:ATCAPolicyCommittee@atcacom)

- Your full name;
- Your email and phone number, including any international extensions;
- Full name of the Alleged Harasser;
- A full description of the conduct alleged to have violated the Policy;
- Any evidence supporting the claimed violation, including, but not limited to, texts, email, photos, social media posting, etc.;
- The date and location of the alleged misconduct;
- Names and contact information of Witnesses; and,
- If necessary, a request for an exception to the two-year time limit for reporting a Complaint.

We may request additional information from you during the course of review or Investigation of any Complaint.

**To ensure a fair process to all those involved, we will not investigate anonymous reports.**

**B. Preliminary Review**

The CRC will review reported Complaints to determine whether (i) the Policy applies to the person(s) identified in the Complaint; (ii) the Complaint is timely; and (iii) the Policy covers the alleged conduct.

If the Complaint does not include all of the information required by subsection A: Reporting a Complaint, the CRC shall inform the Complainant, who will then have 21-days to provide the required information. If the CRC does not receive a timely response, s/he shall close the matter unless there is a reasonable basis for the delay.

**C. Activating an Investigation**

There are two ways to activate an Investigation:

1. After Preliminary Review of a Complaint, the CRC determines that there is sufficient information to proceed with an Investigation.
2. ATCA may initiate an Investigation on its own behalf, for example, upon the filing of charges with relevant law enforcement, upon the issuance of an indictment or upon the commencement of criminal or civil proceedings.

Once ATCA activates an Investigation, it will provide the Alleged Harasser with written (email) Investigation Notification. In the event that an Alleged Harasser does not have an email address on file with ATCA, the CRC will call the Alleged Harasser to notify them of the Investigation.

**D. The Investigation**

**1. Steps for Conducting the Investigation**

An investigation of any Complaint will be prompt and thorough, commenced immediately and completed as soon as possible. The CRC shall keep the investigation confidential to the extent possible. All persons involved, including Complainants, Witnesses and Alleged Harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

While the process may vary from case to case, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, the CRC will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any action(s) taken.
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported the Complaint of the right to file a complaint or charge externally as outlined in the next section.

## 2. Timeline for Conducting the Investigation

Once the CRC has contacted the Complainant and Alleged Harasser to request an interview, they must participate in an interview within 21 days of the request and/or provide information in writing. The CRC may request additional in-person or online video follow up interviews.

The Complainant and Alleged Harasser will have an equal opportunity to be heard, to submit information, and to identify Witnesses who may have relevant information. The CRC will notify and seek to interview all involved parties separately (e.g., the Complainant, the Alleged Harasser, and identified Witnesses) and will gather other evidence and information relevant to the determination as to whether a Policy violation has occurred. Witnesses must have information deemed relevant to the Investigation, as determined by the CRC, and cannot be participating solely to speak about an individual's character.

#### E. Findings

The CRC will consider the totality of information gathered in the Investigation to determine, by a preponderance of the evidence (more likely than not), whether the Alleged Harasser violated the Policy. In reaching a Finding, the CRC will consider things such as:

- Party participation;
- Detail provided;
- Timeliness of the report;
- Corroborating or conflicting information;
- Plausibility of information provided;
- Relevancy of information;
- Omission of information.

#### F. Notification of Findings

At the conclusion of the Investigation, the CRC will notify the Parties as to whether there is sufficient information to establish a violation of the Policy. In addition, if the CRC finds that an Alleged Harasser has violated the Policy, the CRC will send him/her a Notification of Findings. If we determine that an Alleged Harasser has violated the Policy, we will take such action as is appropriate under the circumstances. Such action may include suspension from future ATCA or ATCA sponsored events, removal from a current ATCA or ATCA sponsored event without reimbursement to Alleged Harasser of any costs, fees, etc. associated with event registration, travel and lodging expenses or any other costs or fees.

#### G. Appeal and relevant Timelines

Both parties have the right to request an Appeal of the results of the Investigation. The right to Appeal is limited to (a) significant procedural lapses or (b) the appearance of

substantive new evidence not available at the time of the original decision. Appeals shall not be based upon, or granted for, dissatisfaction with a finding or any actions ATCA implements as a result of the findings. Note: deliberate omission of information by the Appealing Party in the original Investigation is not grounds for Appeal.

Each Party has 21 days following the receipt of the Notification of Finding to request an Appeal. Email any requests for Appeal, with reasons to [ATCAPolicyReview@atca.com](mailto:ATCAPolicyReview@atca.com), stating the reason and basis for the appeal and include any supporting materials. If this is not possible, the Party requesting an Appeal must speak directly with the Accountability Director for instructions.

The AAC will grant Appeals only in cases where it determines that the procedural problems or new evidence is substantive enough to affect the findings. If the AAC grants the Appeal, it will (i) affirm the findings or (ii) alter the findings only where there is clear error based on the stated Appeal grounds. The AAC's decisions are final, and it issue its findings within 21-days of receipt of all requested materials necessary to decide the Appeal. If the AAC decides to alter the findings, it will notify both Parties of the outcome.

## **VIII. Confidentiality**

We appreciate that participating in an Investigation – whether as a Complainant, Alleged Harasser, or Witness – can be difficult. To the extent possible, we will attempt to maintain all information gathered will remain confidential. Although ATCA strives to balance the desire for confidentiality with the need to conduct a thorough and fair Investigation, anonymity is likely improbable; therefore, some information, including the Parties' names, may be revealed to the accused and potential witnesses, but that information will be shared only on a "need to know" basis.

## **IX. False Claims**

False and malicious complaints of harassment, discrimination or retaliation made in bad faith (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action such as removal from a current Congress or suspension from attending future Congresses.

## **X. Amendments**



ATCA reserves the right to amend this Policy and procedures at any time by posting the revised version on its website and notifying members via electronic mail to the address provided by the member. Additionally, the amendment(s) shall apply any currently open or new Investigations immediately upon publication, and ATAC or Congress Directors shall remove any previous version of the Policy from the website.

## **XI. Disclaimers**

1. ATCA assumes no liability or responsibility for the actions of any Congress Attendee or participant.
2. ATCA is not responsible for protecting the safety of Attendees or participants in ATCA activities. Any individual who feels his/her safety is at risk due to harassment or for any other reason is encouraged to take appropriate steps to ensure personal safety.
3. There may be situations (such as those involving Title IX issues in the United States and its territories) where the CRC will be under an obligation to file a report with an individual or organization outside of ATCA.

# Complaint Form

## COMPLAINANT INFORMATION

Name:

Address:

Phone:

Email:

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person

## COMPLAINT INFORMATION

1. Your Complaint is made about:

Name:

Title:

Address:

Phone:

Relationship to you: ☐ Teacher ☐ Attendee ☐ ATCA Board or Congress Director ☐ Other

\_\_\_\_\_

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred:

Is the harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your Complaint:

*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

*Signature:* \_\_\_\_\_

*Date:* \_\_\_\_\_

### **Note to Complainant**

There may be situations (such as those involving Title IX issues in the United States and its territories) where the CRC will be under an obligation to file a report with an individual or organization outside of ATCA.

### **Instructions for ATCA or its designee**

If you receive a complaint about alleged harassment, follow the ATCA Nondiscrimination/Anti-Harassment Policy and Complaint Procedure.

An investigation involves:

- Speaking with the Complainant
- Speaking with the Alleged Harasser
- Interviewing Witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the Complainant and the individual(s) against whom the complaint was made. This may be done via email.