

District One of FIND, Inc. Sexual Violence Policy

Adapted from FIND, Inc.'s Sexual Violence Policy

I. Introduction

The Filipino Incorporated Networking Dialogue, Incorporated (FIND, Inc.), including its districts and member organizations, seeks to maintain a safe and healthy environment free from sexual misconduct of any form. Thus, FIND, Inc. and District One enforce a zero-tolerance policy upon any form of sexual and gender-based misconduct including but not limited to sexual violence, sexual assault, sexual harassment, non-forcible sex act, stalking, and domestic abuse.

II. Jurisdiction

- A. Any individual who participates in District One representation and District One events must hold themselves to these standards or otherwise face the potential consequences listed below.
- B. This policy can be adopted by individual member organizations. This however does not replace any constitution or university policies that individual member organizations may adhere to.
- C. Disability Clause
 - 1. Any known diagnosis of a disability that can affect social awareness needs to be shared promptly to be taken into consideration when the National Executive Board reviews each case.
 - 2. If there have been prior instances of sexual harassment or any of the instances defined below, then the disability will not be a factor in the decision process.

III. Definitions

The following terms and definitions are important components of this policy. The definitions are intended to give meaning to these terms in the context of the District One Sexual Violence Policy. Criminal and other applicable state laws may use different definitions of these terms:

- A. **Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature in the workplace or learning environment.
- B. **Sexual violence** includes a range of behaviors in which an act of a sexual nature is taken against another individual without that person's consent or when the

individual is unable to consent. There are various types of sexual violence, including but not limited to sexual assault and rape (defined below).

- C. **Sexual assault** (including but not limited to rape) is defined as having committed any of the following acts:
 - 1. Any physical sexual contact that involves the use or threat of force or violence or any other form of coercion or intimidation;
 - 2. Any physical sexual contact with a person who is unable to consent due to incapacity or mental or physical impairment. “Incapacity” or “impairment” include but are not limited to being under the influence of alcohol or drugs or being too young to consent.
- D. **Rape** is defined as sexual assault involving an act of penetration and includes acquaintance rape (assailant and victim know each other).
- E. **Non-forcible sex acts** include unlawful sex acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent as defined by state law.
- F. **Consent** is an affirmative decision to engage in mutually agreed upon sexual activity and is given by clear words or actions. Consent may not be inferred from silence, passivity or lack of resistance alone. Furthermore, consent to one form of sexual activity does not imply consent to other forms of sexual activity and the existence of a current or previous dating, marital or sexual relationship is not sufficient to constitute consent to additional sexual activity. Assent shall not constitute consent if it is given by a person who, because of youth, disability, intoxication or other condition, is unable to lawfully give consent.
- G. **Relationship Violence**, also commonly known as dating violence, is defined as an act or a pattern of abuse committed by a person involved in a social, sexual or romantic relationship, past or present, with the victim. Relationship violence can encompass a broad range of behaviors that may include physical violence, sexual violence, emotional violence and economic violence.
- H. **Domestic Violence** is defined as abuse committed against an adult who is a spouse or former spouse, cohabitant or someone with whom the abuser has a child, has an existing dating or engagement relationship or has had a former dating or engagement relationship.
- I. **Stalking** means engaging in a course of conduct directed at specific person(s) that would cause a reasonable person to fear for their safety, or to suffer substantial emotional distress.

IV. Reporting Protocol

- A. Any member or non-member of District One has the ability to report any incidents involving sexual and/or gender-based misconduct to relevant executive

board officers following the options listed in the “Reporting Options” subsection listed below.

- B. Any information reported to any member of the District One Executive Board will be held confidential to the parties involved unless otherwise specified.
- C. Reports are allowed to be made as a group. If requested, an individual reporting an incident may elect to have a spokesperson to communicate in their place.
- D. The individual(s) reporting will have the possibility to inquire about policies and procedures without having to disclose any additional and official information.
- E. The individual(s) involved in the incident may choose to stay anonymous when reporting.
- F. Reporting Options
 - 1. Reporting general member in the District One Community
 - a) To report an incident within a District, refer to the Reporting Procedure.
 - b) To report an incident involving individuals from multiple districts, reach out to anyone on District One National Team or reach out directly to anyone on the National Executive Board.
 - 2. Report District One Executive Board Member
 - a) A District One Executive Board Member is anyone who currently serves as an officer of the executive board for District One
 - b) To report an incident involving a District Executive Board member, refer to the Reporting Procedure. If you are not comfortable reaching out to the District National Team, reach out to the National Executive Board.
 - 3. Report District One National Team Member
 - a) The District One National Team is composed of representatives, known as National Directors and National Director Proxies, from District One. This includes the National Executive Board.
 - b) To report a National Board member, follow the reporting procedures listed on the next page.

Reporting Procedure

This procedure has been adapted from the Find, Inc, Reporting Procedure

Step 1: Notify the District One Co-Chairs.

Notify the District One Co-Chairs, or any individual of the District One Executive Board about the incident that you want to report. In the event that a Co-Chair is involved in any way in the incident, notify any D1 National Director. If there is no National Director, notify any District One Executive Board member.

Before going forward, the Executive Board member who receives the report will assist in creating the guidelines expected to be followed when managing the report. They will also remind the reporting party of their right to anonymity. Only the information consented to be disclosed will be shared with the rest of the Executive Board.

Step 2: District One National Team is notified

After the initial report and meeting, the District One National Team (National Directors and National Director Proxies) should be notified of the situation. The National Team and Co-Chairs will determine what parties should be consulted and create a preliminary plan of action. Depending on the severity of the incident, The National Team and Co-Chairs may choose to include relevant district and/or individual organization leaders going forward, with the consent of the involved parties.

Step 3: National Team will consult each party, following due process

Ask respective parties to prepare official testimony of what happened beforehand. Individuals or groups have the possibility to be assisted in preparing the official testimony by conversing with the Co-Chairs and/or National Team about the incident. Consent to document must be given and the testimony must be signed off by individuals or groups

Co-Chairs and National Team will then meet with the reporting party first, followed by the other involved parties to review each official testimony and gather the information necessary to properly assess the case. Meetings will be held to accommodate the preferences of each party.

During the meeting, anonymity and level of comfort of the information disclosed should be regularly assessed and can be subject to change for the reporting party.

Step 4: Outcome Decision

After meeting with all involved parties, Co-Chairs and National Team will review the information gathered and presented objectively to make an official ruling on the case. Co-Chairs and National Team will determine appropriate consequences based on the official rulings of each case. A list of potential consequences can be found in the official SV Policy. After a decision has been made, the reporting party will be consulted. In accordance with the reporting parties confidentiality preferences, all involved parties will then be notified of the outcome. Public statements of any sort will be discussed with the reporting party.

V. Potential Consequences

A. Zero tolerance: Inability to give a warning

1. Due to the nature of this matter, District One stands by the following statement throughout our national organization:

District One has zero tolerance for any form of sexual and gender-based misconduct.

Any individuals found in violation of this policy will be subject to one or more of the following consequences. This includes but is not limited to:

B. Consequences:

1. Impeachment of current positions in District One
2. Inability to attend FIND, Inc. National events
3. Inability to attend District-wide events
4. District-wide awareness of individual's actions

VI. Professionalism Clause

- A. Individuals such as representatives for a party, bystanders, facilitators, and third parties that are participating and/or involved in any case related to Sexual Violence must be professional in any circumstances. Distributing information about the individual/party must be approved by the appropriate individuals; therefore, all information that is presented is completely confidential. Under this clause, distinctive views for any case must be treated fairly and respectfully. Individual and collective decisions must be based on the evidence that has been gathered from the current case. Individuals that oppose the decision must communicate with the National Executive Board for further clarification.
- B. Third parties (local and/or district organizations) are highly encouraged to create a plan of action to educate their peers using resources and to communicate with the current National Executive Board for any additional assistance.

VII. References

- A. Find, Inc. Sexual Violence Policy. <http://www.findinc.org/new-page-1>
- B. INTERIM POLICY ON TITLE IX SEXUAL HARASSMENT, 14 Aug. 2020, www.northwestern.edu/equity/documents/interim-policy-on-title-ix.pdf
- C. OF RECORD: Sexual Violence, Relationship Violence and Stalking Policy & Sexual Harassment Policy. (2016, July 5). Retrieved from <https://almanac.upenn.edu/archive/between/2016/070116-of-record.html#violence>
- D. Smeyers@ncaa.org. "Board Adopts Sexual Violence Policy." NCAA.org - The Official Site of the NCAA, 17 Aug. 2017,

www.ncaa.org/about/resources/media-center/news/board-adopts-sexual-violence-policy

- E. Smeyers@ncaa.org. "NCAA Board of Governors Policy on Campus Sexual Violence." NCAA.org - The Official Site of the NCAA, 11 Nov. 2020, www.ncaa.org/sport-science-institute/topics/ncaa-board-governors-policy-campus-sexual-violence