

# The Bangor Band

## DISCRIMINATION & HARASSMENT POLICY

(Revised 10.15.2023)

Many instances of discrimination or harassment constitute unlawful behavior. Discrimination and harassment will not be tolerated by the Bangor Band, wherever and whenever it occurs.

Members who engage in discrimination or harassment behaviors will be subject to disciplinary action, including the immediate suspension of the member until an investigation of the incident can occur.

If any member of the Bangor Band believes they have been discriminated against or harassed, please inform a board member for further action.

The Bangor Band strongly recommends that individuals subjected to criminal acts committed by another member, such as physical or sexual assault, seek investigation and justice with the relevant authorities (e.g., the Bangor Police Department).

### RELEVANT DEFINITIONS:

**Discrimination:** Any form of unequal treatment based on the Maine Human Rights Act (Maine Revised Statutes, Title 5, Chapter 337, Subchapters 1-8, inclusive), whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices, or procedures that appear neutral but disadvantage certain groups of people. Discrimination may take prominent forms, or it may happen in very subtle ways.

**Harassment:** A course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination.

Examples of harassment include:

- Epithets, remarks, jokes, or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed/religious practice, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means

- Singling out a person for humiliating or demeaning “teasing” or jokes because they are a member of a specific group.
- Comments that ridicule a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person’s dress, speech, or other practices related to their sex, race, gender identity, or creed.

If a person does not explicitly object to harassing behavior or appears to be going along with it, this does not mean that the behavior is acceptable. The behavior could still be considered harassment.

### **Sexual and gender-based harassment:**

Sexual harassment is a form of harassment that can include:

- Gender-related comments about a person’s physical characteristics or mannerisms
- Intentionally misgendering a person
- Paternalism based on gender, which a person feels undermines their self-respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats, or taunting
- Leering or inappropriate staring
- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature
- Rough and vulgar humor or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Repeated requests for dates, one-on-one interactions, or sexual acts

The comments or conduct do not have to be made with the intention to discriminate to violate this policy. Rather, the effect or the result of the comments or actions on the recipient may constitute discrimination.

### **ROLES AND RESPONSIBILITIES:**

All members of the Bangor Band are expected to uphold and abide by this policy by refraining from any form of harassment or discrimination and by cooperating fully in any investigation of a harassment or discrimination complaint.

The executive board members are responsible for acting immediately on observations or allegations of harassment or discrimination. The President and Board of Directors are responsible for creating and maintaining a harassment-free and discrimination-free organization and must address observed potential problems before they become serious.

### **COMPLAINTS:**

Any member of the Bangor Band who has witnessed or experienced an incident of harassment is encouraged to explain to the person who is harassing or discriminating that the conduct is unwelcome but is not *obliged* to do so. If addressing the person responsible could escalate harassment, discrimination, or safety risks, complainants do not have to interact directly with that person. The complainant should never feel obliged to address their harasser against their better judgment.

### **REPORTING PROCEDURE:**

Every person who believes they have experienced harassment or discrimination, as well as every person who is notified of a complaint against them, is advised to create and keep written notes about the events at issue and to maintain any relevant written documentation. Notes should include:

- What happened: a description of the events or situation;
- When it happened: dates and times of the events or incidents;
- Where it happened: location;
- Who saw it happen: the names of any witnesses.

An incident or a complaint of harassment or discrimination that has not been resolved directly with the harasser to the complainant's satisfaction should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated promptly.

Reports of harassment or discrimination should be made to a member of the Bangor Band executive board or a conductor. A report can be communicated in person, in writing, or through alternate or digital means.

Once a report is made to a member of the executive board or conductor, the president will assign a representative to investigate the complaint according to this policy and recommend an appropriate course of action to ensure that harassment does not continue and that all members of the community are safe and can enjoy involvement with the Bangor Band defined by dignity and

mutual respect. This may involve dismissing a Bangor Band member, board member, or conductor.

### **Commitment to Investigate:**

- The Bangor Band's executive board members will ensure that an investigation appropriate to the circumstances is conducted when they become aware of an incident of harassment or discrimination or receive a complaint of harassment or discrimination. The executive board member who learns of the allegation shall immediately communicate with the President. If the complaint is against the President, the executive board member shall communicate with the Vice President, who will become responsible for the President's duties during the investigation.
- The President shall appoint an investigator responsible for ensuring a thorough, fair, and impartial investigation of the allegations in the complaint. This investigator can be the President, a Conductor, a member of the executive board, or an external person with expertise in this area.
- The investigator will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant or respondent(s) and gather documents and/or information relevant to the matters in the complaint.
- All Bangor Band members are required to cooperate with the investigator as necessary.

### **Summary results of the investigation:**

The investigator will prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of harassment or discrimination (protecting the identity of the affected person), the response from the alleged individual(s), the evidence of any witnesses, and any other evidence gathered. The report must set out findings of fact and conclusions as to whether harassment or discrimination was found according to this policy.

### **Outcomes:**

The investigator will provide the executive board with an appropriately redacted report shielding the involved parties for their review. Once the executive board has had the opportunity to review the report, the President shall call an executive board meeting to discuss the findings and make a disciplinary recommendation if the findings are consistent with a violation of the harassment policy. The executive board shall vote on the disciplinary action, and the President shall communicate the findings and disciplinary action to the involved parties. If the President is a party to the complaint, all proceedings shall be the responsibility of the Vice President, the treasurer, and the secretary, in that order.

Disciplinary actions recommended by the executive board may include:

1. An apology
2. Counseling
3. Education and training
4. Verbal or written reprimand
5. Suspension for a defined period of time
6. Termination of band participation

### **COMPLIANCE**

Each musician of The Bangor Band is to read and agree to act under this policy when they become ensemble members (or whenever this policy is revised). The Bangor Band secretary will store signed statements of understanding of this policy in the Bangor Band's files.