

Harassment Policy

I. DEFINITIONS

- A. The Association of South-Asian A Cappella, Inc. (“ASA”) is a 501(c)(3) non-profit organization that oversees the South Asian a cappella community.
- B. All-American Awaaz (“A3”) is the national championship competition organized by ASA. For the purposes of this policy, A3 is considered as part of ASA.
- C. Bid Competitions (“Competitions”) are events hosted by student organizations at universities across the country. These bid competitions are selected on an annual basis by ASA.
- D. Organizational Leaders are defined as individuals who hold, or have held, leadership positions in their respective organizations, including but not limited to ASA, A3, Bid Competitions, A Cappella Teams, and any other organizations that exist within the community.
- E. Board Members are defined as all individuals currently or formerly part of a competition’s organizational board, not limited by their duration or capacity of membership. For ASA and A3, this list of individuals is kept on record by the Directors of ASA. For bid competitions, this list of individuals can be provided by the leaders of the respective bid competition, upon explicit request submitted in writing to ASA or the Bid Competition.
- F. Associated Individuals are defined as all board members, liaisons and volunteers of ASA and of bid competitions, and all members of all South Asian A Cappella teams.
- G. Affiliated Individuals are defined as any and all individuals that are members of or affiliated with:
 - 1. board members, liaisons, or volunteers of ASA, A3, or any bid competitions;
 - 2. any members of South Asian A Cappella groups/teams;
 - 3. any vendors, contractors or sponsors of any event that ASA supports;
 - 4. all audience members, whether physically in the event space or virtually on official, organizational-sponsored live streams;
 - 5. any venue or facility staff at an ASA-supported event; or
 - 6. any other individual that is directly or indirectly involved or included in the development or execution of an event that ASA supports.
- H. Community, for the purposes of this policy, is a general term used to describe the collective group of individuals that participate in the creation, support, performance, or viewership of music and art in the South Asian A cappella genre.

II. GLOSSARY

- A. Harassment:

1. Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, skin 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;
 - b) has the purpose or effect of unreasonably interfering with an individual's performance; or
 - c) otherwise adversely affects an individual's opportunities.
2. Sexual harassment refers to unsolicited, unwanted attention of a sexual nature that is demeaning, compromising, embarrassing or distressful to the recipient.
3. Racial harassment is characterized by the use of derogatory or offensive language and/or behavior, with reference to the racial, ethnic, cultural or ethno-religious background of people or groups.
4. 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 placed on walls or elsewhere on the organization sponsored premises or circulated in the organization space, during organization sponsored events or by e-mail, phone (including voice messages), text messages, social networking sites or other means.
- B. Offensive Behavior refers to public acts that are reasonably likely to offend, insult, humiliate or intimidate another person or group of people because of their race, skin color, descent, national or ethnic origin, or immigration status. These acts include communicating words, sounds, images or writing to the public, in a public place, or in the sight or hearing of people who are in a public place.
- C. Bullying can be defined as unreasonable behavior that intimidates, demeans or humiliates a person, putting their health, safety or welfare (including psychological welfare) at risk.
- D. Victimization refers to subjecting or threatening to subject a person to some form of detriment because they have:
 1. lodged, or are proposing to lodge, a complaint of discrimination or harassment;
 2. Provided information or documents to an internal investigation or an external agency;
 3. Reasonably asserted their rights, or supported someone else's rights; or
 4. Made an allegation that a person has committed an act that could be considered a breach of this policy.

- E. Retaliation is defined as any action that adversely affects the membership, leadership, participation or other form of involvement in the community of any associated or affiliated individual, or member of the community, because an individual has, in good faith, brought forth a complaint under this policy, opposed an unlawful practice, participated in an investigation, or requested accommodations.

III. PURPOSE

- A. The purpose of this Policy is to set out:
 - 1. ASA's commitment to preventing harassment, including sexual harassment, and bullying;
 - 2. the responsibilities of organizational leaders and associated individuals;
 - 3. ASA's sanctions against behavior that constitutes harassment or bullying.
- B. Scope:
 - 1. This Policy covers all affiliated individuals and members of the community.
 - 2. This Policy also applies to any events or settings related to the community.

IV. PRINCIPLES

- A. ASA aims to provide a community that is free of harassment and supports the dignity and self esteem of every member of the community.
- B. Harassment of any affiliated individual or member of the public, in circumstances associated with community-related activities or events, is unacceptable and contrary to the membership and participation policies of ASA.
- C. Incidents of harassment and bullying will be treated seriously and the following will apply:
 - 1. complaints will be dealt with promptly and in accordance with principles of natural justice;
 - 2. confidentiality will be maintained within the procedures for resolving complaints;
 - 3. sanctions on participation may be invoked in the case of serious or persistent harassment or bullying; and
 - 4. victimization as a result of a complaint will not be tolerated.
- D. ASA will ensure that all associated individuals are informed of this Policy and organizational leaders are aware of their responsibilities in accordance with this Policy.

V. RESPONSIBILITIES

- A. All associated individuals are expected to maintain appropriate standards of behavior and to respect the rights and differences of others.
- B. All associated individuals are responsible for the accuracy of any complaints they may lodge. Vexatious complaints are viewed seriously by ASA and may lead to sanctions on participation being taken against the complainant.
- C. Organizational leaders have a responsibility to:
 - 1. become familiar with this Harassment Prevention Policy;
 - 2. become familiar with the ASA Complaints Policy and their role in resolving complaints;
 - 3. ensure that associated members that they supervise understand that harassment and bullying will not be tolerated;
 - 4. ensure that acceptable standards of conduct are observed at all times in community-related activities and events;
 - 5. take early corrective action to deal with behavior that may be offensive or intimidating, even if a complaint has not been made;
 - 6. ensure that all complaints of harassment or bullying are dealt with promptly, fairly, sensitively and in accordance with the procedures outlined in the ASA Complaints Policy.
 - 7. provide appropriate support and/or referral for support and advice;
 - 8. seek advice from ASA where necessary, in relation to any complaints or harassment or bullying they receive; and
 - 9. Take steps to prevent victimization and respond promptly to any complaints of victimization which follow a complaint of harassment or bullying.

VI. SEXUAL HARASSMENT

- A. Sexual harassment refers to unsolicited, unwanted attention of a sexual nature that is demeaning, compromising, embarrassing or distressful to the recipient.
- B. In determining whether harassment has occurred, the intention of the person whose behavior has caused offense is of less significance than the effect of their behavior on the other person. The same behavior may be perceived differently, depending on a person's age, gender or their social or cultural background. In addition, forms of sexual behavior that may initially appear mild or trivial can cause severe distress in situations where there is a formal inequality of status between those involved.
- C. Sexual harassment can occur as a single incident or a persistent pattern of unwelcome behavior. It may be intentional or unintentional and is not confined by definition to any gender or sexuality. It can range from subtle behavior to explicit demands for sexual activity or even criminal assault.
- D. Anybody can be a victim of sexual harassment, regardless of their sex or gender identity or that of the offending party.
- E. Sexual harassment may include but is not limited to:

1. inappropriate remarks with sexual connotations, smutty jokes, or lewd comments;
 2. intrusive questions or insinuations about a person's sexual activities or private life;
 3. suggestive remarks about a person's body or appearance;
 4. persistent, unwanted requests for dates;
 5. persistent, unwanted declarations of affection;
 6. flirting at an inappropriate time, for instance in a team meeting, even if these advances would have been welcome in a different setting;
 7. subtle or explicit requests for, or offers of, sexual favours;
 8. the display of sexually suggestive material in inappropriate contexts;
 9. offensive written, telephone, or electronic mail or other computer system communications;
 10. creating or posting sexually offensive material in the organization related spaces;
 11. offensive hand or body gestures;
 12. uninvited physical contact such as patting, pinching, touching or putting an arm around another person;
 13. unnecessary close physical proximity, including persistently following a person;
 14. indecent exposure; or
 15. sexual assault; defined as any type of sexual conduct or behavior that occurs without explicit consent from all involved parties
- F. Sexual harassment is of particular concern where it:
1. implicitly or explicitly imposes a condition on an affiliated individual's participation in community-related activities, events, or organizations;
 2. implicitly or explicitly imposes a condition on associated individual recruitment, selection, or participation in community-related activities, events, or organizations.
 3. interferes with an individual's personal academic or work performance; or
 4. creates an intimidating or offensive community environment.
- G. Sexual harassment does not refer to relationships of mutual attraction that are based on genuine choice and consent. However, in situations of unequal power and authority, there is a danger that 'consent' might be based on fear, intimidation or perceived coercion because of the unequal status of the parties involved. For example, where a sexual advance appears to be reciprocated, it could still be viewed as harassment if the recipient had reasonable grounds for believing that a rejection of, or objection to, the sexual behavior would disadvantage her/him in some way.
- H. It is helpful to distinguish between sexual harassment and gender-based harassment. The latter encompasses harassment or offensive conduct or behavior based on the gender or gender identity of the recipient - that is,

treatment that is sexist or in any other way denigrates or disadvantages a person because of their gender or gender identity.

VII. RACIAL HARASSMENT

- A. Racial harassment is characterized by the use of derogatory or offensive language and/or behavior, with reference to the racial, ethnic, cultural or ethno-religious background of people or groups.
- B. Racial harassment may include:
 - 1. the display of racist cartoons, posters and graffiti, or distribution of offensive racially-oriented material;
 - 2. repeated jokes or derogatory comments that make reference to ethnicity or racial characteristics;
 - 3. derogatory remarks about a person's accent, culture, customs or religious observances;
 - 4. racially oriented abuse or name calling;
 - 5. negative stereotyping of particular ethnic groups;
 - 6. repeated irrelevant reference to a person's racial, cultural or ethnic background;
 - 7. practical jokes based on race or directed only at members of a non-majority ethnic group; or
 - 8. bullying, intimidation, exclusion or physical violence, on the basis of the cultural or ethnic background of the recipient.

VIII. BULLYING

- A. Bullying is another form of harassment. Bullying is generally characterized by a misuse of relative and/or assumed power. It is often, but not always, deliberate and it usually encompasses more than one act.
- B. Bullying can be identified by repeated, persistent, aggressive behaviors that may escalate in severity over time, or a pattern of behavior that causes disadvantage and/or distress.
- C. Bullying behaviors may include but are not limited to:
 - 1. abusive or offensive language, insults, ridicule, sarcasm or intimidating remarks;
 - 2. verbal or physical aggression — for example, shouting, throwing things, pushing or standing over someone;
 - 3. spreading derogatory innuendo or rumors about a person;
 - 4. teasing or regularly making a person the brunt of practical jokes/pranks, particularly after they have objected;
 - 5. making phone calls or sending letters or emails that are threatening, abusive or offensive;
 - 6. interfering with or damaging a person's property;
 - 7. repeatedly criticizing or making comments intended to discredit or undermine a person or devalue their work;

8. minimizing or failing to acknowledge a person's contribution;
 9. deliberately excluding someone from professional interactions, social activities or networks;
 10. deliberately withholding information or resources or supplying incorrect information to an individual;
 11. inappropriately threatening an associated individual with low performance with dismissal, disciplinary action or demotion;
 12. creating unexplained organizational changes, setting meaningless tasks or tasks well beyond a person's organizational role;
 13. setting unreasonable deadlines, impossible work targets or excessive workloads;
 14. subjecting a person to constant surveillance or over-detailed supervision and unwarranted checking of performance; or
 15. applying restrictive and petty rules that diminish a person's control over the way in which their work is carried out.
- D. Bullying should not be confused with the legitimate exercise of managerial, supervisory or leadership authority. It is not bullying or harassment for:
1. an organizational leader, within the framework of the organization's policies and procedures, to counsel an associated individual on their performance or institute proceedings for unsatisfactory performance, misconduct or dismissal or deal with complaints from others;
 2. an acapella team's leadership, as part of their directorial/coaching role, to counsel a member on music- or team-related matters or give constructive feedback on their music performance or or team-related behavior; or
 3. associated members to express differences of opinion or difficulties they have with another member of the community, provided that it is done in an appropriate manner.
- E. Differences of opinion, conflicts and problems between members of the community are inherent to a large, diverse organization and community and do not in themselves constitute bullying or harassment.

IX. BREACHES OF THIS POLICY

- A. Breaches of this Policy that are submitted as a written complaint to ASA will be dealt with in accordance with ASA's Complaints Policy.
- B. The consequences for a proven breach will be determined at the discretion of ASA. Consequences range from, but are not limited to, monetary fines, probation, disqualification from competition, suspension from membership, or termination of contract.

X. COMPLAINTS

- A. Any difficulty in defining what constitutes harassment or bullying should not deter a person from seeking assistance to address behavior that causes them

distress, nor should they be deterred by embarrassment, intimidation or fear of publicity. The sensitivity of harassment complaints and the need for confidentiality will be respected.

- B. Affiliated individuals who believe they are being harassed or bullied should not ignore the problem. In the first instance, if they feel safe to do so, it may be sufficient to make it clear to the other person that their behavior is unwelcome, offensive or distressing. If the individual does not feel comfortable with this approach or if it is not effective, they should seek advice from an appropriate and authorized agency or organization, or submit a written complaint to ASA, in accordance with the procedures described in ASA's Complaints Policy.
- C. Complaints will be dealt with in a sensitive, timely and confidential manner.
- D. Complaints may be submitted anonymously, but this will significantly limit the extent to which ASA will be able to provide recommendations, perform corrective actions or place sanctions on participation.

XI. RETALIATION

- A. Retaliation against a person who reports a potential violation under this Policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this Policy is strictly prohibited and will not be tolerated.
- B. Retaliation includes but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's membership, leadership, or participation in a community-related activity, event, or organization.
- C. ASA will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this Policy will not be subjected to retaliation.
- D. Individuals who believe they are experiencing retaliation are strongly encouraged to file a complaint with ASA using the same procedure outlined in the ASA Complaints Policy.

XII. ADDITIONAL INFORMATION

- A. ASA reserves the right to make changes to any part of this policy from time to time.
- B. ASA reserves the right to investigate violations of policies at its own accord at any time and enact appropriate consequences up to the organization's discretion.
- C. We will notify the community about significant changes by making a post on our social media, by placing a prominent notice on our website, and/or by updating information on our policies page.
- D. ASA welcomes your questions or comments regarding this Harassment Policy. You may contact us via email at legal@desiacappella.org.