

AVOID BECOMING #NOTMETOO

How to establish anti-harassment policies and enforce them

By Rachel Satinsky

Under federal, state, and local laws, all employers—including camps—have a legal obligation to investigate and remediate harassment. Although most of us are familiar with sexual harassment (based upon a person's sex), the scope of unlawful harassment is much broader. Anti-discrimination laws prevent harassment based on an individual's race, religion, national origin, disability, and age, while state and local laws expand the protected categories, including, for example, discrimination based on sexual orientation and familial status.



As lawyers, we get it: things happen at camp (and in many other workplaces) among staff members that shouldn't. You can't guarantee that harassment won't happen, but you can guarantee you'll know what to do when you learn about it and it will be addressed appropriately. Proactive steps may help mitigate the risk against sexual harassment.

HANDBOOK/POLICIES

Distributing a "handbook" or set of written policies to staff members promotes fairness, prevents errors, and avoids claims that staff did not know anti-harassment and anti-retaliation policies existed. The policies need not be formal and can be modified to reflect a camp's culture and spirit. One word of caution—don't include policies by which you do not intend to be bound or cannot uphold.

An anti-harassment policy should state that the camp prohibits harassment based on age, race, religion, national origin, disability, and any other category protected by federal, state, or local law. The policy also should define prohibited conduct and provide a non-exhaustive list of examples of inappropriate behavior. Explain that if anyone believes harassment has occurred, it must be reported, verbally or in writing, to the group lead/head counselor/director, etc., as soon as possible. And, most importantly, make clear that retaliation is prohibited.

Camps should also consider having staff members sign off on policies annually. Then, keep copies of staff members' acknowledgements in a safe and secure location.

TRAINING

Perhaps the most crucial aspect of preventing harassment is to be clear, from the top down, that harassment is unacceptable. Conducting training demonstrates to staff members that this issue is important to the camp and leadership staff.

Consider having two levels of training on harassment prevention: one for leadership-level employees and one for other staff members. Leadership training should focus on the process of conducting investigations, confidentiality of complaints, and the implementation of decisions resulting from investigations. On the other hand, staff training should center on policies, role playing, staff members' understanding of how to make a complaint, and a reiteration that harassment and retaliation are not tolerated.

In all training, empower staff members to address harassment and inappropriate behavior on their own.

- Examples of language to use (i.e., "That is not okay"; "Don't speak to them/me/her/him like that"; "Did you really say what I think you just said?"; or "Let's focus on the campers and keep our personal lives outside of camp")
- Responses that appeal to your camp's morals and values (i.e., "Look, it's important that everyone here feels treated with dignity and respect")
- A reminder that individuals may remove themselves from the situation
- Suggestions on how individuals may set boundaries (i.e., "I'm okay with [conduct], but [other conduct] crossed the line").



THINKING AHEAD

Camps should be ready when they receive a harassment complaint. Do not wait for a bad situation to happen before you react. Consider drafting template press releases and social media messages to the public and camp families, depending on the type of complaint and level of severity. Know who, within the organization, will conduct investigations of harassment. Ensure that the person or team is impartial, accessible, and knowledgeable on investigation procedures. Be prepared to be more transparent. The #MeToo movement has lifted the curtain. 📸

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