

Proposed AJA Sexual and Other Harassment, Discrimination and Retaliation Policy

I. GENERAL

This statement establishes the policy of the American JuJitsu Association (the “AJA”) addressing sexual and other harassment, discrimination and retaliation in the training environment (“Dojo”, or “Classroom”) by instructors and others. This Policy prohibits various forms of behavior; describes examples of conduct that may constitute prohibited behavior, discrimination and/or retaliation; sets forth the complaint procedure to be followed; outlines the parties’ responsibilities for reporting, investigating, and responding to any reports of harassment, discrimination, or retaliation; and describes actions the AJA may take in response.

Definitions:

“Host Organization” means the organization under which some AJA dojo are affiliated for purposes of physical training space and/or administrative support (e.g., YMCA, community Park Service, etc.)

“Protected Class” is defined by the Federal EEOC (<https://www.eeoc.gov/laws/types/index.cfm>) and may be expanded by state or local statute.

II. SCOPE OF POLICY

Purpose

AJA is committed to providing Classrooms free from sexual and other harassment, discrimination, intimidation, workplace bullying, or retaliation. This Sexual and Other Harassment, Discrimination and Retaliation Policy (the “Policy”) sets expectations of behavior aligned with the AJA’s values and in support of positive classroom relationships and a professional learning environment. This policy is not intended to supersede relevant policies by other organizations or authorities, including but not limited to the Host Organization and Federal, state or local authorities.

Covered Conduct

This Policy covers conduct in any Classroom-related setting, whether such conduct is verbal, physical or visual, during or outside normal Classroom hours. This Policy also covers calls, texts, emails, and social media usage by one dojo affiliated person to another such person, even if such communications occur away from the classroom.

Covered Individuals

The prohibitions in this Policy apply to all instructors, administrators, and students participating in an AJA dojo. Each Covered Individual is personally responsible for ensuring that his or her conduct does not violate this Policy.

III. PROHIBITED CONDUCT

Sexual Harassment

Sexual harassment by a Covered Individual against another Covered Individual is prohibited under this Policy and may be unlawful under federal, state and local laws. Unwelcome sexual advances, requests for sexual favors and other physical, verbal or visual conduct of a sexual nature, or which is directed at an individual because of that individual’s gender, constitute sexual harassment when:

- such conduct has the purpose or effect of unreasonably interfering with an individual’s training or creating an intimidating, hostile, humiliating or sexually offensive training environment even if the complaining individual is not the intended target of the conduct in question; or
- submission to, tolerance of, or rejection of such advances, requests or other conduct is made explicitly or implicitly a term or condition of an individual’s participation or advancement.

Proposed AJA Sexual and Other Harassment, Discrimination and Retaliation Policy

Sexual harassment may occur in a variety of situations which share a common element: the inappropriate introduction of comments or conduct of a sexual nature into the classroom environment. Conduct is unwelcome when those subject to such conduct does not solicit or invite it and regard it as undesirable or offensive. The fact that a person may accept or not voice objection to the conduct does not necessarily mean that he or she welcomes it nor that it is permissible.

Sexual harassment may be a single incident or a series of harassing acts. Any harassing conduct, even a single incident, is prohibited under this Policy.

Sexual harassment may consist of words, signs, jokes, pranks, intimidation, inappropriate physical contact, or physical violence which are of a sexual nature. Sexual harassment also may consist of sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are:

- offensive or objectionable to the recipient
- cause the recipient discomfort or humiliation
- or interfere with the recipient's training.

Depending upon the circumstances, sexual harassment may include the following conduct:

Physical acts of a sexual nature, such as:

- rape, sexual battery, molestation or attempts to commit these assaults
- unwanted physical contact, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body
- offensive visual conduct, including leering
- or sexually oriented gestures.

Verbal statements, such as:

- making unwanted sexual propositions or advances, demands or requests for sexual acts or favors, particularly, but not only accompanied by implied or overt threats concerning the recipient's training performance or advancement
- making or threatening reprisals, whether explicitly or implicitly, after a negative response to sexual advances
- making lewd, degrading or sexual comments about an individual's appearance, body, or style of dress
- making sexually oriented noises, remarks, jokes, verbal abuse, or innuendo or comments about a person's sexuality or sexual experience
- making sexist remarks or derogatory comments based on gender
- Displaying or using sexual materials or publications anywhere in the classroom, including pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually explicit, demeaning or pornographic.

In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a classroom environment that is hostile, offensive, intimidating or humiliating may also constitute sexual harassment.

Other Prohibited Harassment and Discrimination

In addition to prohibiting a Covered Individual from engaging in any form of sexual harassment, this Policy also prohibits a Covered Individual from harassing or discriminating against another Covered Individual based on that individual's status as a member of a Protected Class.

Proposed AJA Sexual and Other Harassment, Discrimination and Retaliation Policy

Depending upon the circumstances, prohibited harassment and/or discrimination may include, but is not limited to the following:

- Hostile statements or actions because another individual's conduct or personality traits may not conform to another person's ideas or perceptions about how individuals of a particular Protected Class should act or look (e.g., gender stereotyping)
- Hostile actions taken against an individual because of that individual's status as a member of a Protected Class, such as bullying, yelling, name-calling based on that person's status as a member of a Protected Class
- Epithets, slurs, negative stereotyping, jokes, or threatening, or intimidating acts
- Relating to a person's status as a member of a Protected Class in a demeaning or hostile manner
- Verbal abuse or innuendo or use of derogatory words concerning a person's status as a member of a Protected Class
- Making decisions about a person's participation or promotion based upon such person being a member of Protected Class.

Retaliation

Retaliation is prohibited under AJA's policy and may be unlawful under federal, state, and applicable local law. Under this Policy it is prohibited for a Covered Individual to retaliate against or discipline or otherwise disadvantage or take any other action being likely to deter another Covered Individual for/from (i) making a complaint in good faith about a violation of this Policy or applicable law, or opposing any conduct prohibited by this Policy or applicable law, (ii) assisting in good faith in the investigation of such a complaint or alleged violation or (iii) otherwise engaging in any of the following protected activities in good faith:

- filing a complaint alleging conduct that violates this Policy either internally or with any agency or authority
- testifying or assisting in a proceeding involving an alleged violation of this Policy or of any law
- opposing conduct that violates this Policy or any law by making a verbal or informal complaint to AJA, the Host Organization or federal, state or local authorities
- reporting that another Covered Individual has been the subject of a violation of this Policy
- encouraging a fellow employee or other Covered Individual to report a violation of this Policy.

A Covered Individual is protected from retaliation under this Policy if he or she acts in good faith even if the alleged actions by the accused person does not turn out to rise to the level of a violation of this Policy. However, this anti-retaliation provision is not intended to protect a person who makes an intentionally false accusation of a violation of this Policy.

Facts and Circumstances

A determination of whether the conduct of a Covered Individual constitutes a violation of this Policy depends upon the totality of the facts and circumstances of each situation, including the severity or pervasiveness of the conduct. The above examples of prohibited conduct are not exhaustive and do not necessarily, standing alone, constitute a violation of this Policy. Instead, the above are examples of conduct which could violate this Policy, depending upon the circumstances. Also, even if a Covered Individual's conduct is not unlawful, it may nevertheless be a violation of this Policy. Any violation of this Policy may result in disciplinary action regardless of whether the conduct is unlawful.

Proposed AJA Sexual and Other Harassment, Discrimination and Retaliation Policy

IV. ADMINISTRATIVE PROCEDURES Duty to Report a Suspected Violation

A. Complaint

If any Covered Individual reasonably believes in good faith that he or she has (i) been subjected to conduct that violates this Policy or (ii) witnessed or has learned of conduct that violates this Policy, and if any attempted informal resolution has failed to stop the improper behavior, or the Covered Individual is uncomfortable attempting such informal resolution, then such Covered Individual should immediately contact the AJA Board, the Host Organization, if applicable, and/or federal, state or local authorities. When federal, state or local authorities or a Host Organization is involved, the AJA will defer to those entities for investigation.

B. Informal Resolution

The most immediate goal is to stop any improper or inappropriate behavior. Often, this can be accomplished by confronting the perpetrator, telling him or her what is offensive about his or her behavior and requesting that it stop. However, a Covered Individual is not required to take this step if the Covered Individual is uncomfortable doing so.

C. AJA Investigation

The AJA will report any knowledge of or suspicion of violations of this policy to the appropriate legal authority(s) and the Host Organization.

A Covered Individual may also request that the AJA Board review the incident(s). In this case, the AJA Board will form an ad hoc committee to perform the review. After completion of the review, the ad hoc committee will recommend to the AJA Board what action, if any, to take. Recommendations may include — but are not limited to — “no action”, censure, or expulsion from the AJA.

D. Results

No AJA Dojo or School may retain any individual, whether instructor, student, administrator, or affiliate in any capacity, any person who has been found guilty in any criminal court of any sexual misconduct or other illegal behavior against a protected class. No Dojo or School may remain affiliated with the AJA if the convicted felon remains associated with the AJA Dojo or School.

In the case where an AJA Board ad hoc committee has recommended censure, the AJA Board will determine the consequences of the censure.