



Integrity Policy

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Background

Seamless Bay Area (SBA) is a collaborative and diverse organization. We understand we must work closely together to achieve our mission. Our vision and culture is strengthened by the diversity of our origins, training and experience. The practice of respect enhances our perception of others' needs, increases the degree of trust we have in each other, and facilitates dialogue and co-existence.

SBA takes seriously its responsibility to provide a safe, productive and inclusive working environment - whether in person, remote, or in a community rather than corporate setting - for its employees, contractors, and volunteers regardless of race, ethnicity, national origin, immigration status, language, economic power, gender, age, sexual orientation, class, gender identity, physical appearance, body size, disability, faith religion or lack thereof.

SBA has a Zero Tolerance approach to sexual, verbal, or physical harassment, bullying and any kind of discrimination including that based on gender, race, ethnicity, age, sexual orientation, gender identity, disability, faith, or any other aspect of our beings. Any and all concerns that implicate SBA board members, staff, or volunteers are taken seriously when brought forward, and prompt appropriate action is taken, regardless of the timing of any underlying incidents or whether or not the complainant is directly related to SBA. Every accusation of harassment, bullying or discrimination will be immediately investigated and any one found to have engaged in such actions will receive appropriate sanctions.

Everyone has the right to a safe (in-person/remote working or community) environment free from discrimination, harassment and all forms of inappropriate behaviour. Every person deserves to be treated respectfully. Respectful treatment of colleagues, stakeholders and members of the public is the basis of good cooperation, which ultimately benefits the objectives of SBA.

Discrimination, harassment and bullying are not to be confused with clashes of opinion, temporary conflicts, or lack of cooperation, all of which commonly occur in the workplace. We encourage debate around ideology, practice, and strategy, and assume that all comments are made in good faith. However, a continuing conflict that has lost its sense of mutuality and respect may, however, still affect individual wellbeing and may even be one of the underlying causes for discrimination and/or harassment.

Working Together

Preventing harassment and sexual harassment

Definitions

1. **Harassment** is serious, and is defined as behaviour or conduct that is unwanted or offensive, and that has the purpose or effect of violating a person's dignity or creating an intimidating, humiliating, hostile or offensive environment.
 - a. Harassment can occur on a one-off basis or can be persistent. It can take many forms, physical and non-physical, verbal and non-verbal.
 - b. Harassment can be inflicted by an individual (bullying) or by a group (mobbing).
2. **Sexual harassment** is defined as any form of verbal, non-verbal or physical conduct of a sexual nature whose purpose or effect is to violate the dignity of the person affected. Sexual harassment includes unwanted sexual advances, requests for sexual favors, sexually motivated physical contact and other verbal or physical conduct, or visual forms of harassment of a sexual nature when submission to such conduct is either explicitly or implicitly made a term or condition of employment, participation on the Board, or as a volunteer, or is used as the basis for employment or participation decisions, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work, Board, or volunteer performance or creating an intimidating, hostile, or offensive work (in-person, remote, or community) environment.¹

¹ Examples of prohibited acts of harassment and sexual harassment include, but are not limited to:

- Physical harassment such as touching, pinching, patting, grabbing, brushing against or poking another's body, sexual battery, sexual assault, or sexual propositions;
- Sexually oriented gestures, noises, whistling, remarks, jokes, or comments about a person's sexuality or sexual experience or directed at or made in the presence of any employee
- Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;
- Subjecting, or threatening to subject an employee to unwelcome sexual attention or conduct, or intentionally making performance of the employee's job more difficult because of that employee's gender;
- Stalking or persecuting a person with unwanted attentions, gifts or messages;
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet)
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks that undermine the dignity of another person
- Mocking, mimicking or belittling a person's disability or age
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic, social, linguistic or religious group, or gender or faith
- Outing or threatening to out someone as gay, lesbian or transgender.

3. **Receipt, not intent:** Harassment of any kind is not about the intention of the perpetrator, but about how the recipient experiences it. No matter how innocent a comment or gesture may seem, it can have serious consequences for the victim. SBA recognizes that the important factor is that the conduct is unwanted by the recipient.
4. **Power relationships:** SBA recognizes that harassment is often closely linked to power relationships. It can often occur within unequal relationships in the workplace, for example by a manager towards a subordinate (vertical relationships). However, power is not always equated to authority. It can also include physical strength or the power to coerce through fear or intimidation. It is therefore possible for harassment to occur the other way around (by subordinate towards a manager), or in peer (horizontal) relationships.
5. **Bullying** is defined as an abuse or misuse of power that involves behavior that intimidates, degrades, offends, or humiliates a person, often in front of others. Bullying behavior undermines an individual's right to dignity at work. It involves repeated attacks against the target, creating an on-going pattern of behavior.²
6. **Mobbing** is bullying of an individual by a group of individuals.
7. **Zero Tolerance:** SBA has a Zero Tolerance approach to sexual, verbal, or physical assault or harassment and also any kind of discrimination including that based on gender, race, sexual orientation, gender identity, faith, or any other aspect of our beings. In addition we also have a Zero Tolerance approach for perpetuating or enabling the kind of culture that allows sexual assault and fosters gender discrimination; this includes sexist jokes, putting women (and other) staff in positions they don't feel comfortable, disregarding the contribution of women and gender non-conforming in our organization, and other patriarchal or misogynistic behavior. Zero tolerance does not necessarily mean automatic termination; it means all concerns are taken seriously, investigated and prompt appropriate action is taken, which could include a warning, sensitivity training, probation or termination.
8. **Restorative Justice** is an approach in which, with the active consent of the victim(s), the response to an allegation is to organize a mediation between the victim(s) and the offender(s), and sometimes with other representatives. The goal is to negotiate for the offender(s) to deliver restitution to the victim(s), to the satisfaction of all participants.
 - a. A restorative justice program aims to get offenders to take responsibility for their actions, to understand the harm they have caused, to give them an opportunity to redeem themselves and to discourage them from committing further harm. For victims, its goal is to give them an active role in the process. Restorative justice is

² Examples of bullying include, but are not limited to:

- Unwarranted or invalid criticism;
- Blame without factual justification;
- Being treated differently than the rest of your work group;
- Having someone raise their voice and or swearing at someone in a hostile fashion;
- Excluding or socially isolating the target;
- Being shouted at or being humiliated;
- Being the target of practical jokes;
- Being excessively monitored.

founded on an alternative theory to the traditional methods of justice, which often focus on retribution. Restorative justice may complement other methods.

SBA Harassment Policy Statement

1. SBA does not tolerate harassment of any kind by any member of the SBA community (Board member, staff, contractor, volunteer, or participant in any of our public and private events) and is committed to eliminating harassment within the organization and in the organization's working environments. You will not engage in any forms of harassment, including but not limited to sexual harassment.
2. There are several options available to report a suspicion of a violation. There are different contact persons within the organization, and you can choose freely from them – depending on, for example, if you want to choose someone whom you particularly trust.
 - a. If you feel you are the victim of harassment of any kind, if it is possible and safe for you to do so, you should inform the alleged perpetrator that his/her behavior is unwanted and unwelcome. Or, you might ask another person, such as a Person of Trust, to do so on your behalf.
 - b. If you witness a (suspected) case of harassment or sexual harassment, you should first and foremost try to discuss this with the potential victim.
 - c. If you suspect that a colleague may be the perpetrator of harassment or sexual harassment, you may try to discuss this with the person directly, but only if it is safe for you and for the (suspected) victim.
 - d. A staff or Board member is not obliged to talk directly to the person of concern if they can reasonably assume that doing so would harm their own interests, or if they feel afraid of negative consequences.
3. Both the complainant and the accused have the right to a fair investigation.

Key Contacts & Channels for Reporting

Talk to the person directly

In all cases, you should first consider if it is possible to simply talk to the person of concern directly. Every staff or Board member can approach another staff or Board member directly and pursue further questions on a potential violation. This may allow the person concerned the opportunity to correct the mistake, or to report the issue to their manager themselves.

A staff or Board member is not obliged to talk directly to the person of concern if they can reasonably assume that doing so would harm their own interests, or if they feel afraid of negative consequences.

Integrity Officer

The Integrity Officer (IO) is the primary responsible party within SBA for receiving and resolving all violations. The current Integrity Officer (interim appointment) is Dave Sorrell.

The Integrity Officer:

- Is informed of every violation.
- Is the central coordinator to drive checking processes and reporting to the Executive Director(s), ED(s). Only the ED(s) can request exceptions – except where the ED(s) is/are implicated, in which case this power goes to the Board Chair.
- All essential activities (contact with the person concerned, lawyers, investigation strategy and significant investigation steps, involvement of external parties/lawyers, etc.) shall be coordinated with the ED(s), or the Board Chair in cases where the ED(s) is/are implicated.

All staff and Board members can talk to the Integrity Officer directly in the case of a suspected violation. Only the ED(s) is/are informed about the violation and the name of the source (unless the ED(s) is/are implicated, in which case the IO reports to the Board). The source can otherwise only be named if permission is expressly given.

Manager

Any staff member or contractor can contact their SBA manager (or, if a manager is not available, to the ED(s)) in the case of a suspected violation, or if they feel that they may have committed a violation themselves. The manager or ED(s) must report a suspected violation to the Integrity Officer.

If you have reported a suspicion of a violation to your manager, and no action has been taken, or if the suspicion is about your manager, you may go to the Integrity Officer, or go up the chain of command to the next level of management.

Person of Trust

Optionally, depending on resource and volunteer availability, SBA will target the appointment of at least one Person of Trust, who is a non-responsible party whose role is to support the complainant.

For each integrity violation, the reporter and person of concern may choose to talk with a designated Person of Trust at any stage in the process, even before deciding whether or not to make a report.

The Person of Trust will attend to and support the person throughout the entire analysis and decision-making process. Their role is not to advise on a course of action, but to provide information about the options available and what is to be expected during the process. Further information about the role of the person of trust can be found in the Person of Trust function description.

Whistleblowing

SBA provides a Whistleblower process, where a violation can be communicated directly to the Board via e-mail: violations@seamlessbayarea.org.

It is only available for use under one or more of the following circumstances:

- After you have made a report through another contact or channel, yet no action has been taken.
- If you have good reason not to trust existing channels of reporting.
- If the suspected violation is severe, and involves the actions and/or complicity of the Executive Director(s).

Other Key Roles

Executive Director(s)

- Informed of every violation
- Reaches decisions on whether to initiate an investigation based on recommendations made by the Integrity Officer
- Takes decisions on detailed analyses based on the interim report
- Establishes a critical incident response team when necessary
- Enacts measures and sanctions on the basis of the final report in consultation with the relevant staff
- Is/are the last point in the chain of command for the escalation of a report, when all previous escalation steps taken over the course of the process have not brought about progress – except where the ED(s) is/are implicated, in which case the Board Chair is the last point in the chain of command.

Board

The Board is usually only informed through summarized, anonymized updates, and holds no authority in these matters except when the ED(s) is/are implicated in the violation, or if a whistleblowing complaint is made. In such a case, the Board Chair is in charge of investigating and resolving the violation.

Preventing Violations

SBA Board members, employees, contractors, and volunteers will be informed about this policy through training and regular communication. All Board members and staff will receive general training, to include information about:

- What constitutes harassment and sexual harassment in all forms (laws, definitions, SBA standards)

- Being aware of and sensitive to the reactions and needs of others, and ensuring that personal conduct does not cause offence
- The correct procedures to follow in the event of being the victim of, or witness to, any forms of harassment

Volunteers will be provided with accessible materials communicating SBA standards for conduct as a volunteer.

Because of the sensitive nature of potential violations, the Integrity Officer and Person(s) of Trust will receive specific training about:

- Roles in the event that an incident is reported
- How to respond sensitively to the complaint, how to advise victims about the process for raising cases of harassment and sexual harassment, how to advise on what support is available, and how to ensure confidentiality

Monitoring and documentation

Monitoring

The Board Chair must ensure that they and all Board members have received training on SBA Harassment policies, and that all Board members have received and understood these policies.

The Executive Director(s) must ensure that they and all staff members (and contractors and volunteers, as applicable) have received training on SBA Harassment policies, and that all staff have received and understood these policies.

Documentation

The Integrity Officer is responsible for documenting the number of reported cases of harassment and sexual harassment, as well as ensuring that the correct procedures and protocols are followed in each case.

Handling a violation

All violations of this policy will be considered a serious issue requiring investigation. Depending on circumstances, disciplinary action may be taken. Depending on the case, a restorative justice approach may be considered as an alternative to formal investigation and disciplinary action.

In the event of a suspicion of a violation of this policy, the Protocol for handling (suspected) violations must be followed.

Tenure

The Board of Directors will review this document and associated policies and processes every two years, or sooner if appropriate.

Safe places for reporting

The SBA Integrity Officer is responsible for providing digital and in-person means to receive reports.

Reporting rights and obligations

Every member of the SBA community has the *right* to report a violation. Only the following members of the SBA community are *obliged* to report:

- Those with a management role
- Those with a specific function within the integrity system, including the Integrity Officer (with the exception of Persons of Trust)
- Those who have a reason to suspect that there is any risk to the personal safety of the person of concern

Every person making a report (the reporter) has the option to receive support and guidance from a Person of Trust.

- The identity of the person making the report will be protected as far as possible, with the name of the reporter being made known only to the ED(s), unless the ED(s) is/are implicated in which case only the Board is notified.
- The reporter has the right to report a violation in a way that protects their anonymity. However, they should be aware that this makes it more difficult to take action.
- The reporter also has the right to report anonymously to the Integrity Officer, or in the case that the Whistleblowing procedure is activated, to the Board. Both of these parties will know that they have made the report, but will protect their anonymity throughout the rest of the process if you wish.
- Every individual who has a report made against them (person of concern) has the right to due process, including a fair investigation, privacy, and the possibility to defend him/herself. These individuals also have the option to receive support and guidance from a Person of Trust.

Workplace Conflicts

Workplace conflicts (such as disagreements about promotions, employment contracts, internal vacancies or employment conditions) differ from violations in both severity and treatment. The emphasis in a workplace conflict situation is on informal, collaborative resolution among the parties involved, under the guidance of management. Addressing workplace conflicts is under the charge of the directly responsible individual (DRI) for HR (or if that official does not exist, the ED(s), or in the case of the ED(s), the Board).

Reporting workplace conflicts

Workplace conflicts may be reported to any manager, member of senior leadership, or the Board, by any means.