

LAWCHA
ANTI-HARASSMENT POLICY
GENERAL PROCEDURES

General Procedures. All participants in LAWCHA's independent conventions will be required to acknowledge and agree to be governed by this policy as part of the registration process.

The procedures outlined below provide guidelines that may not speak to every case. Investigators and decision-makers may proceed as they judge best in any given situation, guided by the process sketched out here.

Investigations Team

LAWCHA's president will appoint an Investigations Team of five people to receive and investigate reports of violations of this policy. Women will constitute at least half of the team, which should be a diverse group appointed from LAWCHA's elected Board of Directors. In creating a diverse team, the president should consider all the bases on which harassment may occur. Team members will be trained to receive and investigate complaints. They will be physically present at LAWCHA'S independent conferences. If fewer than three members actually show up at a particular conference, the president may appoint an additional member. Team members will generally serve three-year terms staggered so that each team includes someone experienced in the process. To create this pattern, some members may serve a term shorter than three years, and now and then a member might be asked to serve beyond the original three-year term.

Reporting Violations and Conducting Investigations

1. Anyone who has experienced a serious verbal threat or physical assault should contact law enforcement officials immediately.
2. Any target of or witness to a possible violation of this policy may report it to any member of the Investigations Team. The names of team members will be available in printed and digital conference materials, at the registration desk, and on the conference website. A dedicated email address for the team will be created as will a Google Voice contact number.
3. The first investigator to receive a report will notify other members of the team and, when possible, arrange to interview the reporter of the incident with one other team member present. Since time is often of the essence in such situations, a single investigator may proceed with the interview when necessary.
4. If the reporter is not the target of the alleged harassment, investigators will interview the target as well. Again, if possible, two investigators will be present for the interview, but if waiting for a second investigator would significantly slow the process, a single investigator may proceed with the interview.

5. Investigators will ask reporters, targets, and all interviewees if they might record their conversations on phones or other devices in order to have a verbatim record of the interview. They will also ask interviewees to sign a written report of their version of events. This report can be very informal. It might be the investigator's notes if the notes clearly state the important facts reported. The AHA will be sharing the form it has prepared for such interviews, and the notes taken on that form might simply be signed by the interviewee. The goal here is to make sure investigators do not have to rely on their memories alone when making recommendations to the decision-makers and that their understanding of each report is accurate.
6. **Investigators should obtain the consent of the target before continuing an investigation.** Only if the safety of any participant at a LAWCHA-sponsored event seems potentially at risk will the investigators go forward with an investigation without the consent of the target.
7. In the event that no investigation follows a complaint, investigators will report the general complaint to LAWCHA's president so that the fact of a report may be recorded and later reported to the general membership. The investigators will also explain why no investigation followed as, for instance, the target asked not to proceed or investigators determined that no investigation was warranted. Only the fact of the report and the reason for the decision not to proceed with an investigation will be retained in any organizational files.
8. Investigations may include interviewing witnesses and reviewing other kinds of relevant evidence such as emails, text messages, and tweets.
9. Investigators will interview the alleged violator unless circumstances prohibit it. Ideally, again, two investigators will be present for this interview. They may then interview witnesses identified by the alleged violator and review other kinds of relevant evidence suggested by the alleged violator.
10. In the event that an alleged violator does not agree to an interview, the investigation and potential disciplinary action will proceed without input from the alleged violator. Ideally, the alleged violator will sign a document stating that the person has been offered the opportunity to be interviewed and declined.
11. All those interviewed by the investigations team—reporters, targets, witnesses, and alleged violators—may choose one member of LAWCHA to be present during the interview as a witness or to offer advice. But they may not have anyone from outside the organization with them. Because LAWCHA is a membership organization and this is an informal and strictly internal process, no outsiders, including counsel, will be allowed to participate.
12. Following the investigation, the investigators will provide a report of the incident (with supporting documents) to the full Investigations Team for review and discussion. If it is not possible to bring the entire team promptly into the discussion, which may proceed on email, by phone, or in person, a majority of the team will suffice (that is, three members should be in on the discussion). The report will include recommendations for consequences, if any, to LAWCHA's decision-making body.

13. In order to encourage reporting of incidents, reports and names of reporters, targets, and alleged violators will be kept confidential to the extent possible. Neither a reporter nor a target can be guaranteed confidentiality, however, especially when the safety of other participants in a LAWCHA event might be at risk.

Decisions on Consequences

1. The decision-making team ordinarily comprises the president of LAWCHA and one other member of the Executive Committee. In the event that the president is the target or alleged violator, or has ties to the target or alleged violator that might create a conflict of interest, the immediate past president will stand in for the president. Any member of the decision-making team with professional or personal ties to the alleged violator or target, or with any other real or perceived conflict of interest in the decision, must recuse themselves from the decision-making process.
2. The investigators will provide the president (or immediate past president) with the results of the investigation and their recommendations for consequences, if any, for the alleged violator.
3. If time permits, the president (or immediate past president) will consult with one other member of the Executive Committee when making a decision on consequences.
4. The president (or immediate past president) will inform the alleged violator and the target of the consequences and implement the decision.
5. The president or the president's designee on the Executive Committee will maintain a file of complaints, investigations, and outcomes related to this policy.

In the event that a complaint was investigated and enough evidence was found to determine that no consequences were warranted, detailed records of that investigation will be destroyed right away. Only a notation of the general nature of the complaint, the fact that it was investigated, and a determination made that no violation of the policy occurred will be retained. No names will remain in organizational files.

In the event that a complaint was investigated and not enough evidence was available to issue consequences but some uncertainty remained, the full records of the case will be retained for five years and the target and alleged violator informed that should a similar complaint be registered in the next five years, the likelihood of consequences would increase.

6. Each year, the president and vice-president will cull the file, destroying documentation related to any complaint that is over five years old so long as no new complaint against the person has emerged and the term of the consequences for violation has expired. Records connected to any violation that results in permanent exclusion from the organization or conference will be maintained indefinitely. Outgoing presidents are responsible for passing the file to incoming presidents.

Possible Consequences

If a violation of the policy has occurred, possible consequences may include:

1. Admonishing the violator to cease the violating behavior with a warning that any further reports will result in more serious consequences;
2. Requiring that the violator avoid panels and events where the target has public responsibility;
3. Requiring that the violator immediately leave the event and not return;
4. Banning the violator from future events, either indefinitely or for a certain period of time;
5. Ending any volunteer responsibilities or positions a violator holds;
6. Requiring that the violator not volunteer or serve as a contract employee or vendor for LAWCHA, either indefinitely or for a certain period of time;
7. Removing and banning the violator from membership in LAWCHA, indefinitely or for a certain period of time.

Similar cases should result in similar consequences.

Appeals

1. Violators who wish to appeal LAWCHA's decision may contact the president (or immediate past president if the immediate past president made the original decision) in writing with further information regarding the incident. If necessary, the investigators will conduct additional interviews or gather new information.
2. Targets may also appeal a decision not to seek or impose consequences.
3. If the president (or immediate past president) finds that a reconsideration of a decision is warranted, the case will be taken to the Executive Committee. A majority vote of the Executive Committee may overturn the original decision.
4. If the president made the original decision and does not find a reconsideration is warranted, an appeal can be submitted in writing to the immediate past president, who will consult with other members of the Executive Committee as appropriate and initiate additional investigation as necessary. If the immediate past president made the original decision, then an appeal may be made in writing to the vice president. As above, the original decision may be overturned by a majority vote of the Executive Committee.
5. In the event of an appeal, the deciding team will decide whether to postpone consequences while the appeal is considered. If the deciding team believed that postponement might pose a threat to the safety of anyone at the conference or might result in injustice to a target or reporter, the consequences should be enforced immediately. Otherwise, consequences should be stayed.

Reporting. LAWCHA will provide an annual summary of incidents reported under this policy and the outcomes of the cases. In order to protect the confidentiality of all involved, only aggregated data will be provided.

The procedures laid out here will not need to be part of the policy reviewed and signed by registrants for the conference, but the signed policy should contain a link to these procedures.