

**Sexual Misconduct Policy
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Islamic Association of North America Sexual Misconduct Policy

In Islam, sexual harassment or misconduct is unacceptable behavior. It is incumbent upon Islamic center leadership, if an allegation of sexual misconduct arises, to respond immediately.

It is the policy of this center that all board members, officers, Imams, teachers, employees, and volunteers working in, with and for the center, are to maintain the integrity of the religion of Islam, employment, and professional relationship at all times. Sexual misconduct is a violation of the Islamic center's underlying code of conduct.

Objective

The objective of this policy is to define sexual misconduct, harassment, and assault and to outline procedures for filing complaints, investigating these claims, and issuing appropriate disciplinary measures in the case of violations.

Scope

This policy applies to board members, Imams, the executive team, employees, contractors, committee members, and volunteers of the Islamic center. All above mentioned groups, at every level, will be subjected to discipline, up to and including discharge, for any violation of this policy both on and off the center's premises and during or outside of work hours.

Defining Sexual Harassment

Sexual harassment is unwelcomed conduct of a sexual nature that is persistent or offensive. Sexual harassment is defined by the Federal Equal Employment Opportunity Commission as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment can be physical and psychological in nature. An accumulation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Defining Sexual Assault

Sexual assault is actual, attempted, or threatened sexual contact with another person. Sexual assault can be coercion, physical force, intimidation, and/or threats. Sexual assault is a criminal act that can be prosecuted under state law. An accumulation of harassment incidents can constitute sexual assault even if one of the incidents considered on its own would not be assault.

Examples of prohibited conduct

Responding to violation of policy through sexual misconduct encompasses a wide range of behaviors.

Some examples of prohibited Islamic conduct include, but are not limited to, the following:

- *Khalwa* or seclusion with a person of the opposite sex
- Physical contact with a non-*mahram*
- Any and all sexual advances

Some examples of sexual harassment include, but are not limited to, the following:

- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a sexual experience
- Preferential treatment or promises of preferential treatment to a congregant for submitting to sexual conduct, including soliciting or attempting to solicit any person to engage in sexual activity for compensation or reward

Some examples of sexual assault include, but are not limited to, the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body.
- Subjecting, or threats of subjecting, a person to unwelcome sexual attention or conduct

- Sexual or discriminatory displays or publications anywhere in the center
- Retaliation for sexual harassment complaints

Congregants

All congregants, including students, of the center will be held to a high standard of conduct. Any behaviors constituting sexual misconduct as defined by this policy will be subjected to consequences from both the center and/or local authorities, if the center administration is made aware of any misconduct. Violation of any provisions of this policy will result in restricting access to the center as determined by the administration.

If a congregant feels that he or she is being subjected to sexual misconduct, he or she should immediately report the incident to the Center Administration's office.

Any congregant (including students) who makes a complaint in bad faith will be subject to disciplinary action.

Employees

If an employee feels that he or she is being subjected to sexual misconduct, he or she should immediately report the incident to his or her own supervisor or to the Center Administration's office. It is helpful, but not required, to provide a written record of the date, time and nature of the incident (s) and the names of any witnesses.

It is important to report all concerns of sexual misconduct to the Center Administration or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Any employee who makes a complaint in bad faith will be subject to disciplinary action, up to and including termination.

Investigation Procedure

Every report of sexual misconduct will be fully investigated, and corrective action will be taken where appropriate. The center will request a written statement from the person alleging misconduct, and all other parties involved, to aid the center in its investigation. All parties involved must cooperate with all investigations. All complaints will be kept confidential to the extent possible. Any person involved in the investigation regarding a report of sexual misconduct will sign a confidentiality agreement. The center will not allow any form of retaliation against individuals who report sexual misconduct or those who cooperate in the investigations of such reports in accordance with this policy. Any person who makes a complaint in bad faith will be subject to disciplinary action.

If the center's administration is notified of an incident of sexual misconduct regarding a minor, the parents or legal guardian of that minor will be contacted immediately.

The Center Administration and Board of Directors/Trustees will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation. All complaints involving senior leadership level or above will be handled by the Islamic Association of North America (IANA).

Imams, Principal, and Education Directors

Imams, Principals, and Education Directors, when they have knowledge of or have been informed of sexual misconduct, must:

- Take all complaints or concerns of alleged or possible misconduct seriously.
- Report all incidents to the Center Administration within 72 hours so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Imams, Principals, and Education Directors who knowingly allow or tolerate sexual misconduct or retaliation, including the failure to

immediately report such misconduct to the Center Administration, are in violation of this policy and subject to discipline.

Center Administration

The Center Administration is responsible for:

- Explaining the center's sexual misconduct policy and issuing ongoing trainings
- Investigation procedures to all parties involved
- Arranging for an investigation of the alleged misconduct and the preparation of a written report
- Report to the Board of Directors/Trustees
- Notifying the police if criminal activities are alleged involving minors and vulnerable adults
- Submitting a written report summarizing the results of the investigation
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions

Complaint Resolution Procedures

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing.

To ensure the prompt and thorough investigation of a sexual misconduct complaint, the complainant should provide as much of the following information as possible:

1. The name, department, and position of the person or persons allegedly engaging in misconduct.
2. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
3. Known prior incidents with this individual, if any.
4. Any other information the complainant believes to be relevant to the harassment complaint.

Discipline

Anyone working or involved at the center in any capacity who violates this policy are subject to appropriate discipline. If an investigation results in a

finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for profoundly serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

If the investigation finds sexual harassment has occurred, some disciplinary actions may include but are not limited to a warning, written reprimand, restricted access to the center, up to termination.

If the investigation finds sexual assault has occurred, some disciplinary actions may include but are not limited to restricted access to the center, termination, and potential reporting to the authorities.

Confidentiality

Any person involved, including staff, in the investigation regarding a report of sexual misconduct will sign a confidentiality agreement. All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the Center Administration takes adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a sexual misconduct complaint and/or investigation is maintained in secure files within the Center Administration's Office.

External Procedures

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual misconduct under local, state, or federal law.

Islamic Association of North America
Confidentiality Agreement for Board Members, the Executive Team, Employees,
Contractors, Committee Members, and Volunteers

Information concerning congregants, clients, former clients, staff, volunteers, financial data, and business records of the Center may be considered confidential. You are free to talk about the Center, your program, and your position, but you are not permitted to disclose clients' names or talk about them in ways that will make their identity known or disclose private/confidential information. No information may be released without appropriate authorization. The board of directors, staff, clients, and our community rely on paid and volunteer staff to conform to this rule of confidentiality.

Confidentiality is the preservation of privileged information. By necessity, personal and private information is disclosed in a professional working relationship. Part of what you learn is necessary to provide services to the applicant or client; other information is shared within the development of a helping, trusting relationship. Therefore, most information gained about individual clients through an assignment is confidential in terms of the law, and disclosure could make you legally liable.

This Center expects you to respect the privacy of clients and to maintain their personal and financial information as confidential. All records dealing with specific clients must be treated as confidential. Staff members are responsible for maintaining the confidentiality of information relating to other staff members and volunteers, in addition to clients.

Before you begin your assignment as a Board Member, Executive Team Member, Employee, Contractor, Committee Member, or Volunteer, you should be aware of the laws and penalties for breaching confidentiality. Although the Center is liable for your acts within the scope of your duty, giving information to an unauthorized person could result in the Center's refusal to support you in the event of legal action. Violation of state statutes regarding confidentiality of records is punishable upon conviction by fines or by imprisonment or by both.

Failure to maintain confidentiality may result in termination of your employment, or other corrective actions. This policy is intended to protect you as well as the Center because in extreme cases, violation of this policy may result in personal liability.

By signing below, you indicate that: You have read this Center's policy on confidentiality and the Statement of Confidentiality presented above. You agree to abide by the requirements of the policy and inform your supervisor immediately, if you believe any violation (unintentional or otherwise) of the policy has occurred. You understand that violation of this policy will lead to disciplinary action, up to and including termination of your service with this Center.

Sign: _____ Name: _____ Date: _____