



YMCA Camp Olson Policy Against Violence, Harassment, and Assault



YMCA Camp Olson welcomes all participants. Our goal is to promote kindness, good manners, and consideration for all people in the camp community. Camp Olson seeks to create an environment that is free from discrimination and devoid of violence, intimidation, or harassment based on race, creed, color, national origin, religion, gender identity, sexual orientation, or disability. We strive to be a place that embraces and celebrates diversity in all aspects of humanity.

All participants are expected to respect other people, including campers, family members, guests, and Camp Olson employees. Participants must be responsible for themselves and their own actions. It is not acceptable in our community to mock, bully, harass, intimidate, or attempt to exclude people. Participants and guests are expected to practice respect, cooperation, and compromise within camp. For the protection of every participant, we reserve the right to deny or cancel the enrollment of any participant who cannot behave appropriately within the camp community.

We will not tolerate emotional or physical abuse or harassment. For the protection of all participants, we reserve the right to dismiss any participant or guest immediately, without refund, as a result of any behavior which affects another participant's or guest's ability to enjoy the community of camp, or seriously disrupts our program. Parents, legal guardians, or group leaders will be notified of our decision to terminate a minor's participation at camp.

Purpose:

The purpose of the following policy is to inform all persons associated with YMCA Camp Olson of the expectations that support a welcoming and safe place for all.

A. General Provisions

1. YMCA Camp Olson policy strongly condemns and expressly prohibits harassment, sexual or physical assault, violence, sexual harassment, and stalking.
2. This policy applies to actions against any individual occurring on property owned or leased or utilized by the Camp or any activity, program, or event sponsored by the Camp. This policy applies to the actions of all persons, including youth, family campers, and employees, including but not limited to co-workers, managers, and volunteers. The policy also applies to actions by any other people doing business with or for Camp Olson.
3. Complaints alleging violations of YMCA Camp Olson Policy are handled by the executive director, camp director, representatives of the board of directors, and, at the discretion of the executive director or board of directors, legal counsel, or a combination thereof.

An employee complaint against another employee will be handled by the executive director and camp director as a violation of YMCA Camp Olson Policy, as outlined here and in the Employee Manual and/or the Handbook for Summer Staff.

4. Nothing in these policies shall prevent anyone from contacting law enforcement or pursuing formal legal remedies or resolutions through state or federal agencies or the courts.
5. All parties identified in the General Provisions shall be informed of this policy by training, program participant waiver, the Camp website, or other means.

B. Definitions

"Camp" and "the Camp" means YMCA Camp Olson.

"Complainant" means the person bringing the complaint.

"Consent" has no definition in federal law and is defined differently across state and local jurisdictions. As part of the larger community, YMCA Camp Olson is subject to, abides by, and supports federal,

state, county, and local statutes and ordinances regarding criminal sexual conduct. For any complaint filed under this policy, YMCA Camp Olson follows and applies the definition of consent of the state or jurisdiction in which the alleged incident occurred. If the state or jurisdiction does not define consent in its laws, the Camp will apply the Minnesota definition as stated below.

Minnesota Statutes 2019, section 609.341, Subdivision 4:

- (a) "Consent" means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
- (b) A person who is mentally incapacitated or physically helpless, as defined by this section, cannot consent to a sexual act.
- (c) Corroboration of the victim's testimony is not required to show a lack of consent.

"Harassment" is verbal, written, electronic or physical conduct that denigrates, intimidates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of their relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive working, living, or Camp environment, b) has the purpose or effect of unreasonably interfering with an individual's work or Camp participation, c) has the effect of substantially disrupting orderly operation of the Camp or its' programs, or d) otherwise adversely affects an individual's employment or development opportunities.

A broader scope of harassment may also include:

- (a) "Bullying" is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behavior that intends to cause physical, social and/or psychological harm. It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.
- (b) "Discrimination" is an intentional or unintentional act that adversely affects employment and/or participation opportunities because of a person's membership in a protected class or association with a member(s) of a protected class.
- (c) "Sexual harassment," which is defined below.

"Physical Assault" is defined as an act done with intent to cause fear in another of immediate bodily harm or death; or the intentional infliction of or attempt to inflict bodily harm upon another.

"Respondent" means the person accused of inflicting the alleged harm upon the Survivor/Victim.

"Retaliation" occurs when an individual is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, or participating in an investigation.

"Sexual assault" is defined as and recognized as the following:

1. Sexual assault is sexual activity, including sexual penetration or sexual conduct carried out under coercion, with the threat of a weapon, or through the threat of bodily harm, or through a position of authority, or when the Survivor/Victim is mentally or physically disabled or helpless.
2. Any sex offense defined in the FBI's Uniform Crime Reporting (UCR) program.

"Sexual harassment" is defined as and recognized as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or Camp participation, or
2. submission to or rejection of such conduct by an individual is used as the basis for employment or Camp participation decisions affecting such individuals

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or Camp participation, or creating an intimidating, hostile, or offensive working, living, or Camp environment; or
4. physical, sexual contact occurs without consent.

Sexual harassment can occur in situations where one person has power over another, but it can also occur between equals. People of any gender can be the targets of sexual harassment or the source of the harassment.

There are two types of sexual harassment:

1. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment or participation decisions.

For example, it would be considered harassment if employee benefits such as raises, promotions, better working hours, etc., were directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Other examples would include a supervisor promising an employee a raise if she goes on a date with him or a manager telling an employee she will fire him if he does not have sex with her.

2. "Hostile environment," where the harassment creates an offensive and unpleasant environment.

Anyone in the Camp environment can create a hostile environment, whether supervisors, other employees or participants. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or unwelcome physical contact as a regular part of the Camp environment.

Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

Sexual harassment includes harassment based on sexual orientation or gender identity. Sexual orientation harassment is verbal or physical conduct directed at an individual because of their sexual orientation or gender identity and that is sufficiently severe, pervasive, or persistent to have the purpose or effect of creating a hostile environment.

"Stalking" means engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to:

1. fear for their own safety or the safety of others, or
2. suffer substantial emotional distress.

This definition includes "cyberstalking," which is stalking conducted with technology such as computers or mobile devices, often occurring on or delivered through the Internet, email, or text messages.

"Survivor/Victim" means the person the alleged harm was inflicted upon. Throughout the policy, these terms are used together to respect individuals who may identify as one or the other, or both.

"Workplace Violence" is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property.

Types of workplace violence may include, but are not limited to:

- (a) Assault, causing physical injury to another person,
- (b) Making threatening remarks,
- (c) Displaying aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress,
- (d) Intentionally damaging property,

- (e) Possessing a weapon (object that may be used to intimidate, attack, or injure another person or to damage property) while on camp property or while working,
- (f) Committing acts motivated by, or related to, sexual harassment or interpersonal violence.

Sexual Assault Survivor/Victim Rights and Options

Survivors/Victims have the following rights and options under YMCA Camp Olson Policy. Upon receipt of a complaint, the Camp will provide the following written explanation of Survivor's/Victim's rights and options to the Complainant and to the Survivor/Victim when identified, if they are different persons.

1. If sexual assault is alleged, the Survivor/Victim is strongly encouraged to preserve physical evidence of the sexual assault. No attempt should be made to bathe, change clothes, or otherwise clean prior to examination by a medical practitioner to make determinations regarding sexual assault. The preservation of physical evidence is very important for any criminal or civil action that the Survivor/Victim may choose to pursue against the Respondent and will also be useful in a YMCA Camp Olson complaint investigation and resolution process. A medical forensic examination shall be completed at no cost to the Survivor/Victim and may be conducted at any medical facility. A list of medical facilities near YMCA Camp Olson can be found in the appendix at the end of this document and on the YMCA Camp Olson website.
2. Survivors/Victims are strongly encouraged to create a detailed written summary of the incident while the memory is still clear.
3. The Survivor/Victim has a right to privacy, which includes the decision whether to report or not report an alleged incident to YMCA Camp Olson, law enforcement, both, or neither. At the request of the Survivor/Victim, YMCA Camp Olson employees will promptly assist the Survivor/Victim in making a report.
4. YMCA Camp Olson personnel will treat a Survivor/Victim with dignity and shall not suggest to a Survivor/Victim that the Survivor/Victim is at fault for the crimes or violations that occurred or that the Survivor/Victim should have acted in a different manner to avoid such a crime.
5. YMCA Camp Olson personnel will assist, when requested by a Survivor/Victim with accessing respectful health care, including mental health, counseling, and advocacy services that are available in the Survivor's/Victim's area. A list of services can be found in the appendix at the end of this document and on the YMCA Camp Olson website.
6. Confidentiality and privacy will be maintained within the scope of the inquiry, investigation, and resolution processes and among YMCA Camp Olson personnel involved therein, to the extent allowed under law but cannot be guaranteed in every circumstance.
 - a) Confidentiality and privacy are best protected when complaints are made directly to the executive director or the president of the board of directors. Complaints reported to other YMCA Camp Olson employees will be escalated, but confidentiality and privacy may be lessened due to the reporting circumstances.
 - b) YMCA Camp Olson shall not disclose the identity of the Survivor/Victim, the Respondent, or Complainant, except as necessary to resolve the complaint or to implement interim protective measures and accommodations or when provided by state or federal law.
 - c) A party to the complaint may share information with their advocate or another support person who is not a fact witness.
 - d) The Respondent has due process rights, including the right to be informed of the allegations.
 - e) In some circumstances, the Camp may need to warn the YMCA Camp Olson community or alert law enforcement of a continued threat of harm to others.

7. YMCA Camp Olson will conduct an inquiry into all complaints received. This inquiry may or may not lead to an investigation and a report with findings and recommendations. It may be possible to resolve some complaints informally between the parties by mutual agreement. More information about the inquiry and investigation process can be found in the appendix of these policies.
8. The Survivor/Victim of an alleged sexual assault shall not be required to recount the alleged sexual assault incident once a written report is completed with Camp leadership. This does not extend to reports that legal authorities may require.
9. Notice shall be provided to the Survivor/Victim of the outcome of any inquiry or investigation concerning a complaint consistent with laws relating to data practices.
10. At the direction of law enforcement authorities, YMCA Camp Olson authorities shall assist in obtaining, securing, and maintaining evidence in connection with a sexual assault incident.
11. YMCA Camp Olson authorities shall assist the Survivor/Victim in preserving, in instances of alleged sexual assault, materials relevant to the inquiry, investigation, or any disciplinary proceeding.
12. Interim protective measures (shielding):
 - a) A Survivor/Victim or Respondent may request to the executive director, the camp director, or the representative of the YMCA Camp Olson Board of Directors that the Camp take interim protective measures as are reasonably available to shield or otherwise mitigate the potential for future unwanted interactions between the Survivor/Victim and Respondent during and after the complaint inquiry, investigation, and resolution processes.
 - b) YMCA Camp Olson shall act promptly to institute interim protective measures, which may include:
 - i) paid leave;
 - ii) changes to job assignments or living quarters, as they are available and feasible;
 - iii) restricting contact between the Respondent and the Survivor/Victim while on Camp property or participating in Camp-related activities; and
 - iv) cooperating with law enforcement authorities, and honoring an order of protection or no-contact order entered by a state civil or criminal court.
13. Retaliation is forbidden against Survivor/Victims, good-faith reporters, and certain other persons as outlined in Section G of these policies.
14. The Complainant, Survivor/Victim, or Respondent may have an advisor or support person of their choice (who is not a fact witness) accompany them to any meeting or proceeding related to an alleged violation of this policy.
 - a) The advisor or support person must comply with all rules and YMCA Camp Olson policies regarding their role. YMCA Camp Olson may prohibit an advisor or support person from involvement for violations of this policy.
 - b) Involvement of an advisor or support person shall not be permitted if it results in undue delay of the meeting or proceeding.
 - c) The advisor or support person may not participate or contribute to a meeting or proceeding unless invited to participate or contribute by the YMCA Camp Olson representative leading the meeting or proceeding.
 - d) The advisor or support person may not engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or an individual resolving the complaint.

15. The Survivor/Victim, Complainant, and the Respondent are entitled to simultaneous written notification of the outcome of the investigation, including information regarding appeal rights, within 7 days of a decision or sooner if required by state or federal law.

C. Bystander Intervention

Bystander intervention is an act of challenging the social norms that support, condone, or permit sexual violence and harassment. While YMCA Camp Olson supports the efforts of bystanders to prevent harassment and sexual assault, nothing in this policy shall be construed to mean that YMCA Camp Olson encourages bystanders to place themselves in danger. Bystanders may intervene by notifying others that something is wrong, creating a distraction, removing a potential victim from a risky situation, or helping to change culture by discouraging others from making inappropriate sexual or discriminatory comments or jokes.

D. Informal Resolution

Informal resolution is not always appropriate or feasible, depending upon the severity of the allegations and other circumstances. The Camp encourages Survivors/Victims to file a complaint for any violation of this policy, regardless of the severity of the alleged incident. If, however, the Survivor/Victim would like to pursue informal resolution, the following information should be considered:

1. Early efforts to control a situation are important, particularly in cases of sexual harassment.
2. Sometimes unwelcome behavior can be stopped by telling the person directly that you are uncomfortable with their behavior and would like it to stop. This may be done in person, over the phone, via email or letter, or by speaking to your supervisor, their supervisor, or the camp director.
3. YMCA Camp Olson employees are always available to provide guidance, assist the Survivor/Victim with an informal resolution, or file a complaint.
4. Family, friends, or other trusted persons may also provide helpful support and advice.
5. Community-based, state, and national support organizations, such as sexual assault crisis centers, may be contacted. Some of these organizations are included in the list of YMCA Camp Olson external authorities, resources, and support found at the end of these policies.
6. At any time, and regardless of whether a complaint has been filed, the Survivor/Victim may informally resolve any violation of this policy with the Respondent. The Survivor/Victim must inform the YMCA Camp Olson executive director, camp director, or the president of the board of directors of the resolution. Camp Leadership maintains the right to continue an investigation, including turning it over to legal authorities, at its own discretion, even if it has been informally resolved between the parties.

E. Reporting a Complaint

1. Anyone—whether a YMCA Camp Olson camper or camper parent, employee, bystander, witness, participant, guest, or other third-party—may report a complaint under this policy either in writing, including email or online form, via a face to face meeting or a phone call following the procedures below.
 - a) An employee who is a Survivor/Victim should file their complaint with the YMCA Camp Olson executive director or the camp director.

If reporting to the YMCA Camp Olson executive director or camp director is not practical, any YMCA Camp Olson employee may receive a complaint and will escalate it to the executive director.
 - b) A guest or third party who is a Survivor/Victim should file their complaint with the executive director or the camp director.

- c) Bystanders, witnesses, or other third parties should submit a report through the executive director or the camp director.
 - d) If the complaint is against the executive director, the report should go directly to the president of the YMCA Camp Olson Board of Directors.
 - e) If the complaint is against a member of the YMCA Camp Olson Board of Directors or the YMCA Camp Olson Board of Trustees, the report should go directly to the executive director.
2. Submit complaints to:
- a) YMCA Camp Olson Executive Director, Russell Link, russ@campolson.org, 218-363-2207;
 - b) YMCA Camp Olson Camp Director, Demi Kapler, demi@Campolson.org, 218-363-2207; or
 - c) YMCA Camp Olson Board of Directors President, boardpresident@campolson.org.
3. Anonymous complaints are permitted, and an inquiry will be initiated to the extent possible with the information available.
- Anonymous complaints are taken by a third party who then reports the information back to Camp Olson leadership as identified in #2 above. Praesidium may be reached through a toll-free number 855-347-0721 and is available 24 hours a day, 7 days a week.
4. All complaints should be reported promptly.
5. Upon receipt of a complaint alleging sexual assault, domestic violence, dating violence, harassment, or stalking, YMCA Camp Olson will provide an identified Survivor/Victim with a written copy of this entire policy at the earliest opportunity.

F. No Retaliation Allowed

Regarding an alleged incident of sexual assault, domestic violence, dating violence, harassment, or stalking, no retaliatory action (e.g., threats, intimidation, reprisals, or adverse employment actions) shall be taken against:

- 1. the Survivor/Victim;
- 2. those who, in good faith, report or disclose, file a complaint, or otherwise participate in the inquiry, investigation, or complaint resolution process;
- 3. an individual who serves as an advisor or support person for any party; and
- 4. an individual, merely because they are or have been the object of a complaint.

Complaints of retaliation will be investigated and resolved under the complaint procedures of this policy and are subject to the range of sanctions outlined in this policy.

G. Amnesty for Good Faith Reporters

A witness or Survivor/Victim of an incident of alleged sexual assault, domestic violence, dating violence, harassment, or stalking who reports in good faith:

- 1. Shall not be sanctioned by YMCA Camp Olson for admitting in the report to a violation of YMCA Camp Olson Policy on the personal use of drugs or alcohol; and
- 2. Are immune from other violations of employee conduct policies, including any action that places the health or safety of any other person at risk, unless YMCA Camp Olson determines that the violation was egregious.

H. Inquiries, Investigations, and Resolution of Complaints

- 1. An inquiry or investigation is conducted by YMCA Camp Olson executive director, camp director, members of the board of directors, legal counsel, or any combination thereof.

2. An inquiry is an initial assessment of whether the reported incident is governed by this policy and will include a telephone conversation or an in-person interview with the Complainant and Survivor/Victim. The YMCA Camp Olson executive director, camp director, members of the board of directors, legal counsel, or any combination thereof, will determine whether the circumstances warrant further investigation or whether the reported incident can be resolved by taking any action deemed appropriate to ensure the Survivor's/Victim's rights under this policy.
3. A formal investigation may follow an inquiry if warranted by the circumstances.
 - a) Before an investigation begins, YMCA Camp Olson shall notify the Complainant, Survivor/Victim, and Respondent of YMCA Camp Olson personnel or representatives with authority to make a finding or impose a sanction in their proceeding before the personnel initiate contact with any party. The parties have the opportunity to request a substitution if the participation of any of YMCA Camp Olson personnel or representatives with authority to make a finding or impose a sanction poses a conflict of interest.
 - b) The procedure for conducting an investigation will include:
 - i) implementation of appropriate interim protective measures, if requested or if deemed necessary by the investigator,
 - ii) interviewing the Survivor/Victim, Complainant, Respondent, and witnesses,
 - iii) a written report detailing findings, recommendations, and sanctions, and
 - iv) communication with the Survivor/Victim until the matter is resolved. The Survivor/Victim will be informed of procedures being followed throughout the inquiry or investigation but may not be informed of specific information derived from conversations with the Respondent.
 - c) The preponderance of the evidence standard shall be used in determining whether a violation of this policy occurred.

I. Appeals

1. The Survivor/Victim, Complainant, and Respondent have the right to appeal (in a timely manner) the findings or imposed sanctions resulting from an inquiry or investigation. An appeal will only be considered if it alleges one of the following:
 - a) a procedural error occurred,
 - b) new information exists that would substantially change the outcome of the finding, or
 - c) the sanction is disproportionate with the violation.
2. Appeals must be written and filed with YMCA Camp Olson Executive Director, Russell Link russ@campolson.org, or the president of the YMCA Camp Olson Board of Directors, boardpresident@campolson.org. Appeals may also be sent to YMCA Camp Olson, 4160 Little Boy Rd NE, Longville, MN 56655.
3. The word "APPEAL" should be clearly written at the top of the appeal.
4. The appeal should clearly state, with specific details, the justification for the appeal.
5. Appeal Procedure:
 - a) The YMCA Camp Olson executive director and/or president of the YMCA Camp Olson Board of Directors and a committee of the board of directors will consider and decide the appeal.
 - b) The appeal will be limited in scope to the matter appealed and to the evidence contained in the original inquiry and investigation record unless the basis for the appeal is that new information exists.

If the appeal asserts that new information exists, the burden is on the appellant to produce the new information. However, at its discretion, YMCA Camp Olson may conduct additional fact-gathering, so long as it is limited to what is necessary to obtain the alleged new information as described in the appeal.

- c) Upon due consideration and based upon the preponderance of the evidence, a written appellate report containing findings and recommendations shall be produced.
- d) The Survivor/Victim, Complainant, and the Respondent shall receive the appeal decision in writing within 7 days after the conclusion of the review of findings or sanctions, or sooner if required by federal or state law.

6. All findings and recommendations of an appeal are final.

J. Contacts

1. The names, titles, and contact information for designated Camp personnel responsible for receiving reports or conducting inquiries or investigations under this policy are:
 - a) YMCA Camp Olson Executive Director, Russell Link, russ@campolson.org; 218-363-2207
 - b) YMCA Camp Olson interim Camp Director, Demi Kapler, demi@campolson.org, 218-363-2207
 - c) President of the YMCA Camp Olson Board of Directors, boardpresident@campolson.org

Please see the most current list of YMCA Camp Olson and External Authorities, Resources, and Support on the YMCA Camp Olson website.

Cuyuna Medical Center, Longville, MN: 218-363-3300 <https://www.cuyunamed.org>

Essentia Health, Baxter, MN: 218-828-2880 <https://www.essentiahealth.org>

Essentia Health, Walker, MN: 218-547-6900 <https://www.essentiahealth.org>

Sanford Health, Walker, MN: 218-547-7700 <https://www.sanfordhealth.org>

State/Local

Minnesota Coalition Against Sexual Assault: 651-209-9993 <https://www.mncasa.org>

Sexual Violence Center: 612-871-5111 <https://www.sexualviolencecenter.org>

Central MN Sexual Assault Center: 800-237-5090 <https://cmsac.org>

National

(RAINN) Rape, Abuse & Incest National Network: 800.656.4673 <https://www.rainn.org>

(NSVRC) National Sexual Violence Resource Center: 800-656-4673 <https://www.nsvrc.org>

Contact information may be updated as needed by the Executive Director without YMCA Camp Olson Board of Director approval

Policy Effective Date: 04/24/2022

Related Documents:

1. Safe Place for All Waiver
2. Safe Place for All YMCA Camp Olson Family Camp Waiver
3. YMCA Camp Olson Handbook for Summer Staff
4. YMCA Camp Olson Employee Manual (Full-time staff)
5. Commitment to Consent staff document
6. Safe Place for All staff resource poster, attached for reference
7. Praesidium Sexual Assault and Harassment Poster for Anonymous Reporting
8. Internal Investigation Procedure
9. Internal Investigation Form
10. Outcomes of an Investigation Directed to Respondent