

Idaho Outdoor Fieldhouse

Sexual Abuse and Molestation Prevention and Reporting Policy

Effective Date: January 1, 2024

Last Revision Date: Not Applicable

Scope and Audience

This policy applies to all individuals at the Idaho Outdoor Fieldhouse (IOF) including but not limited to guests, helpers, contractors, volunteers, employees, board members, lessees, vendors, any third-party person, and affiliates, (regardless of the individual's sexual orientation or gender identity) who attend any IOF created programs, activities, and events, regardless of the location of the program, activity, or event.

This policy addresses the prevention and reporting of sexual-related abuse and molestation. This policy does not address sexual harassment. Sexual harassment is prohibited by IOF and is addressed in the Employee Handbook.

Policy Purpose

To be clear on the IOF's "zero tolerance" for sexual abuse, molestation, or sexual misconduct, and commitment to maintaining an environment free from sexual-related abuse and/or molestation.

Policy Statement

The IOF is committed to maintaining an environment free from sexual-related abuse and molestation by being proactive in preventing sexual abuse or molestation and addressing all claims or reports of sexual-related abuse and/or molestation.

Definitions:

Consent: Voluntary, informed, and freely given agreement which may be withdrawn at any time to engage in a course of conduct. Consent is demonstrated through words or actions creating clear permission of willingness to engage in mutually agreed-upon sexual activity. Neither silence, the absence of resistance, nor the existence of a prior consensual sexual relationship are sufficient to indicate Consent.

A person who is Incapacitated by alcohol or illegal or prescription drugs, unconscious, or asleep cannot give Consent. Agreement to engage in a course of conduct shall not be considered as freely given and shall not constitute Consent when it is obtained through harassment, Coercion, threats, or other forcible conduct.

An individual under sixteen (16) years of age cannot give Consent for sexual activity. Those individuals who are sixteen (16) or seventeen (17) years of age may only Consent to sexual encounters with partners who are less than three (3) years older.

Sexual-related Abuse: Sexual Assault is a form of Sexual Harassment which includes but may not be limited to:

- Any sexual act directed against another person, without the Consent of the Complainant(s), including instances in which the Complainant is not able to give Consent.
- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the Complainant.
- Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation.
- The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation.
- The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly against the person's will in instances in which the Complainant is incapable of giving Consent because of age or because of temporary or permanent mental or physical Incapacitation.
- Non-forcible sexual intercourse, with a person who is under the statutory age of Consent in the state of Idaho.

Molestation: When Sex-Related Abuse is committed against another person.

Force: The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce Consent (e.g., “Have sex with me or I’ll hurt you,” “Okay, don’t hurt me, I’ll do what you want.”). Force is a type of Coercion.

Incapacitation: The physiological and/or cognitive inability, temporarily or permanently, to make informed, rational judgments and decisions including giving Consent. States of Incapacitation may include unconsciousness, sleep, and blackouts. An individual is Incapacitated if it is demonstrated that the individual was unaware at the time of the incident where they were, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol or other drugs are involved, Incapacitation is determined by how an individual’s decision-making capacity, awareness of consequences, and ability to make informed judgments are impacted.

A determination of Incapacitation does not turn on technical or medical definitions, but instead focuses on whether an individual has the ability to make informed, rational judgments and decisions including giving Consent. Common and obvious warning signs which indicate that a person may be Incapacitated or approaching Incapacitation may include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is Incapacitated may be unable to accurately respond to one or more of the following questions: “Do you know where you are?”, “Do you know how you got here?”, “Do you know what is happening?”, “Do you know who you are with?”

For purposes of this policy, when alcohol is involved, Incapacitation is a state beyond drunkenness or intoxication, and when drug use is involved, Incapacitation is a state beyond being under the influence or impaired by use of the drug. A person is not Incapacitated merely because they have been drinking or using drugs. Alcohol and drug use impact each individual differently, and determining whether an individual is Incapacitated requires a case-by-case determination.

In evaluating whether a person was Incapacitated for purposes of determining whether Consent was present, following is taken into consideration:

- a. Did the person initiating sexual activity know that the other individual was Incapacitated? If not,
- b. Would a sober, reasonable person in the same situation have known that the other individual was Incapacitated?

If the answer to either of these questions is “yes,” then the person was Incapacitated, and Consent was absent.

An individual’s intoxication is never an excuse for or a defense to conduct prohibited under this policy, and it does not diminish their responsibility to determine whether Consent was present.

Zero Tolerance & Prevention

The IOF does not permit or allow sexual abuse or molestation to occur in the facility or at any activity or event affiliated with IOF. To ensure the IOF creates an environment free from sexual abuse or molestation, preventative steps are in place, including, but not limited to: in-depth background verifications of all employees, contractors, and volunteers, direct supervision of individuals who assist in events, onboarding for employees and volunteers that includes clear expectations and guidance on interacting with minors or vulnerable adults to prevent the possibility of sexual abuse, molestation, and so on.

Reporting Options:

IOF:

All IOF employees, volunteers, and contracted partners are required reporters and are expected to promptly report any known or observed suspicious or inappropriate grooming or sexual-abusive behaviors and/or policy violations that occur at the IOF facility, event, or activity by completing:

An [Incident Report](https://form.jotform.com/233475692869071) (<https://form.jotform.com/233475692869071>) and contacting Tiffany Trader in Human Resources, email: ttrader@alscott.com, office phone number: (208) 424-2636 or cell phone number (208) 598-1916.

Witnesses, individuals with second-hand knowledge, and victims of sexual abuse or molestation that occurs at the IOF facility, event, or activity are expected to promptly report the incident by completing:

An [Incident Report](https://form.jotform.com/233475692869071) (<https://form.jotform.com/233475692869071>) and contacting Tiffany Trader, Human Resources, email: ttrader@alscott.com, office phone number: (208) 424-2636 or cell phone number (208) 598-1916.

The reporting individual is expected to participate as needed to gather information regarding the

incident.

IOF follows the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services.

Law Enforcement:

Any individual who believes they have been a victim of a crime is encouraged to report the crime to law enforcement. Individuals can reach the Boise Police Department by calling (208) 377-6790.

Witnesses may report anonymously by calling Crime Stoppers at (208) 343-2677. Victims who contact Crime Stoppers will be referred to the Boise Police Department.

Anonymous Reporting:

Any individual may submit an anonymous [Incident Report](https://form.jotform.com/233475692869071) (<https://form.jotform.com/233475692869071>) by leaving name of reporter blank. Anonymous reporters are encouraged to provide as much detail as possible about the incident as IOF does not have the opportunity to follow up with additional questions.

Resources for Victims and Witnesses of Sex Related Abuse or Molestation:

- Faces of Hope is a one-stop triage and support center for victims of Sex Related Abuse and/or Molestation and may be contacted at (208) 577-4400. For more information visit Faces of Hope's website at <https://www.facesofhopevictimcenter.org/>
- Ada County Sheriff's Office Victim and Witness Support offers crisis intervention, resources and referrals, orientation to the criminal justice system, and safety planning and may be contacted at (208) 577-3721 or for more information visit Ada County Sheriff's Office's website at <https://adacounty.id.gov/sheriff/services/victim-witness/>

Investigation

IOF takes all allegations of sexual abuse or misconduct seriously and will act promptly by reporting non-employee related allegations to the appropriate agencies and/or law enforcement. For all employee-related allegations, IOF will promptly, thoroughly, and objectively investigate the allegation and may notify law enforcement or other agencies such as Child Protective Service (CPS) as required by law. To the extent possible, IOF keeps the allegations and investigation subject matter and individuals who participate in the investigation confidential.

Investigation Process

Intake:

Upon receipt of an allegation of sexual abuse or molestation, human resources or third-party investigator will gather information from the individual that reported the allegation to determine if the allegation violates this policy. If so, the human resources or an external investigator will conduct an investigation. If the allegations do not violate this policy upon initial review or determined later in the investigation process, human resources in consultation with leadership will make a decision to close out the investigation or address the allegations informally.

Notice:

Human resources or an external investigator will contact the accused and notify the accused of the nature of the misconduct alleged to have violated this policy. The accused will also be notified of the following:

- 1) dates and locations of the incident,
- 2) expectations of any interim measures including prohibiting retaliation,
- 3) information regarding the investigation process and timelines,
- 4) Copy of this policy including rights of the accused and resources for support.

The Accused is expected to respond to the investigator within seven (7) calendar days. Failure to respond may result in the investigation proceeding without input from the Accused and initiate of disciplinary action up to termination and/or exclusion for future participation in any IOF activity or event. Failure to abide by any interim measures provided by IOF may result in disciplinary action up to termination and/or exclusion for future participation in any IOF activity or event.

Formal Investigation:

The human resources and the investigator play the role of a neutral fact finder. Each party will have the opportunity to provide information relevant to the allegations set forth in the notice. Human resources or the investigator may need to meet with the Victim and Accused more than once to have an adequate opportunity to respond to the new information. Any third-party or outside investigators must follow the same process as human resources pursuant to this policy.

Summary

Human resources or an external investigator will provide a summary which will include relevant information from each interview conducted by the investigator and any other evidence gathered in the course of the investigation. Information regarding medical/mental health issues that are not relevant to the allegation will not be included in the summary. Both parties will be provided with a copy of the investigation summary and provided up to five (5) calendar days to submit a written response to the investigation summary to the investigator.

Final Summary

Human resources or an external investigator will include both parties' written responses and note any discrepancies as appropriate. Human resources and/or an external investigator will make every effort to complete the investigation within sixty (60) business days from receipt of the complaint. The final investigation summary and report of findings of facts and a determination of whether, based on a preponderance of the evidence, this policy has been violated will be provided to human resources and leadership. Both parties will be notified of the outcome.

Investigation with an outcome of a violation of this policy will result in appropriate disciplinary actions, including but not limited to termination of employment, volunteer service, participation, or affiliation in any capacity related to the IOF.

Rights and Responsibilities for the Victim or Accused that are Employees of IOF:

1. Be provided with the investigation process.
2. Be provided with available resources.
3. Have an equal opportunity to provide information to an investigator.
4. Review and respond to the written summary of information.
5. Request interim measures such as: no contact, adjusted schedules, escort to and from vehicle, etc.
6. Be provided with the findings and outcomes of the investigation.
7. Be provided with outside appeal/grievance options.

Grievance/Appeal

An employee may file a complaint with either Idaho Human Rights Commission (IHRC) or Equal Employment Opportunity Commission (EEOC).

Idaho Human Rights Commission (IHRC)

317 West Main Street

Boise, Idaho 83702

(208) 334-2873

(888) 249-7025

Email: HRC.Inquiry@labor.idaho.gov

Website: <https://humanrights.idaho.gov>

Equal Employment Opportunity Commission (EEOC)

(206) 220-6850

Email info@eeco.gov

Website: www.eeoc.gov

Retaliation

We prohibit any retaliation against anyone, including an employee, volunteer, board member, or individual, who, in good faith, reports sexual abuse, alleges that it is being committed, or participates in the investigation. Intentionally false or malicious accusations of sexual abuse are prohibited.

Anyone who retaliates against someone who has made a good faith allegation of sexual abuse, or intentionally provides false information to that effect, will be subject to discipline, up to and including termination.

Confidentiality

All parties to the investigation will be notified of the IOF's expectations of confidentiality. IOF will only release information obtained in the course of an investigation on a "need to know" basis or as required by Federal or State law. Investigation records are maintained in accordance with Idaho law and other applicable laws or regulations ("privacy laws").

Training

Annual training will be provided to all IOF employees regarding this policy and their role and responsibilities to prevent sexual-abuse and molestation. IOF employees listed in the "reporting options" will receive additional training for receiving allegations of sexual abuse and molestation.