

Cal Sailing Club Code of Conduct

The **Cal Sailing Club** is a volunteer-run community sailing and windsurfing club. We offer lessons, recreation, and programs for the public. Our mission is to make access to water **safe**, fun and available to all!

To achieve this all members must maintain the safety of all participants at all times; promote ethical behavior; treat members and staff with respect. Being a member at Cal Sailing Club is a privilege, and all sailors, volunteers, and participants are to meet the following expectations.

Safety

Maintaining the physical safety of sailors, volunteers, and others is the top priority of the Cal Sailing Club

- Follow all safety procedures and instructions in the operating rules.
- Provide assistance if another person is in danger. Notify a dayleader or responsible member if you think another sailor/member is in danger.
- Always wear a personal flotation device while on the water.
- Always check in with the day leader before going out on the water, check wind forecast and tide conditions

Respect for Others

Everyone will act in a respectful way toward others at all times.

- Set a good personal example for everyone supporting the principles of honesty, integrity and good sportsmanship.
- Treat day leaders with respect and kindness, they are responsible for our safety on the water
- Follow the directions and respect fellow members and volunteers.
- Respect the property of others. Do not use another person's property without permission, steal or damage another person's property.
- Treat other sailors, members, volunteers and all others with respect, regardless of race, religion, gender, national origins, culture, sexual orientation, disabilities, or abilities.
- Do not engage in verbal, physical, sexual or emotional harassment or abuse of anyone, do not tolerate such conduct by others. Do not use profane, insulting, harassing, humiliating, or otherwise offensive language. Swearing is prohibited.
- Do not physically fight, hit or inappropriately touch others.
- Resolve disputes in a civil and respectful manner. If you cannot resolve the dispute directly with the other member, go to Excomm with any problems or questions.
- Do not tolerate or engage in bullying. Bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance and which is repeated or has the potential to be repeated over time, for the purpose of socially excluding, diminishing, or isolating of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional or physical harm, regardless of that person's willingness to participate on or off the water.
- Each sailor is responsible for his/her own belongings.

- Sailors will return boats/windsurf equipment to the proper storage areas as soon as possible upon completion of sailing.

A drug-free environment is necessary in order to achieve a safe environment.

Cal Sailing Club does not tolerate inappropriate or unlawful behavior, including but not limited to: illegal drugs, fighting, harassment, bullying, sexual misconduct, criminal activity (excluding minor traffic offenses), failure to follow rules, unsafe or disruptive behavior, misuse of club property or the property of others, or threats to others. Consequences: Any infraction of the Code of Conduct may result in warnings, suspension, or dismissal from the Cal Sailing Club at the discretion of Excomm.

Violations may be referred to the Excomm committee and may include disciplinary actions. Your paid membership will not be refunded if you are to be suspended.

I agree to adhere to the sexual harassment policy below and have reviewed the policy at CSC.

I agree to honor the spirit of Cal Sailing Club, the fundamental rules of fair sailing, pledge honesty and integrity in general and will not deviate from the truth, or break the rules that govern our sport of sailing, nor tolerate such behavior in others.

Sexual Harassment Policy Cal Sailing Club

I. Policy Summary

Sexual violence, sexual harassment, retaliation, and other behavior are prohibited at Cal Sailing Club (CSC). CSC will respond promptly and effectively to reports of such conduct. This includes action to stop, prevent, correct, and when necessary, discipline, behavior that violates this Policy.

Prohibited Conduct violates this Policy and may violate the law and may require police involvement.

Any person can report conduct that may be Prohibited Conduct.

Notice of Nondiscrimination

Cal Sailing Club provides equal opportunities for all members, applicants, employees, and volunteers regardless of sex, gender identity or expression, sexual orientation, or other legally protected characteristics.

In accordance with all applicable state and federal laws, Cal Sailing Club, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy (including pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, age, medical condition (cancer related or genetic characteristics), ancestry, marital status, citizenship, sexual orientation, or service in the uniformed services (includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services), status as a Vietnam-era veteran or special disabled veteran.

II. Reporting at Cal Sailing Club

There is no time limit for reporting, and people should report incidents even if significant time has passed. However, the sooner Cal Sailing Club receives a report, the better able it is to respond, investigate, remedy, and impose discipline if appropriate.

A. How to Report Sexual Harassment:

- **If you are in immediate danger call 911.**
- Employees (ie dayleaders) report all harassment to the port captain (portcaptain@cal-sailing.org). If the port captain is unavailable or you feel uncomfortable report to the port captain, please report to the Cal Sailing Club commodore (commodore@cal-sailing.org). All other members please report to conduct chair or Cal Sailing Club commodore (commodore@cal-sailing.org).
- **Confidentiality:** Reports filed are unable to be fully confidential. To effectively respond to the report we may need to share some or all of this information with the Excomm committee or, in the case of an investigation, investigation participants, including named respondents and witnesses.

- Please provide as much information as possible. Submitting a report anonymously or with incomplete information will reduce our ability to respond to the allegations: [reporting form](#).
- Submitting an incident report is not the same as filing a report with the police department. If you wish to file a report with the police, please contact the police department that has jurisdiction over the location where the incident occurred.

Reporting Obligations

All Cal Sailing Club employees are responsible for creating and maintaining the safe, supportive and respectful environment that our members expect and deserve.

Speaking up

Speaking up can be powerful. If you feel comfortable doing so, say something (such as expressing disapproval) to either the person who is behaving inappropriately or to the person who is experiencing the bad behavior.

Speak for yourself

It's usually best to speak for yourself, not for someone else (do say: "I'm offended by what you said to Julie" as opposed to: "Julie here is offended . . .") "Swooping in" to "save" someone who has the situation under control may instead disempower the person experiencing harm.

Non-participation

Non-participation, coupled with a clear expression of disapproval, sends a quiet but direct message. Nonverbal cues, if clearly expressed (and usually accompanied by speaking up), can send a strong message that you do not support the misconduct.

The three A's of Bystander

Awareness

Be conscious of what is happening around you and your colleagues in the workplace and the learning community. Evaluating and assessing your environment is the first step to being an active, rather than a passive, bystander.

Attitude

Maintaining a respectful, equitable environment means actively modeling the attitude that discrimination, harassment, and retaliation have no place in the work and learning environment.

Action

You have the power to act, whether by intervening directly or by reaching out to others. If you are uncomfortable intervening directly, you can still make a difference by informing someone who is equipped to help address the situation.

Additional Resources:

- **California Department of Fair Employment and Housing (DFEH):** DFEH will investigate a failure by an employer to comply with sexual harassment prevention training and education requirements, and incidents of discrimination in employment, businesses and other services. This complaint must be filed within three years of the last act of harassment or retaliation
 - **File a complaint electronically:** <https://www.dfeh.ca.gov/>

- **File a complaint by mail:** 2218 Kausen Drive, Suite 100; Elk Grove, CA 95758
- **File a complaint by phone:** 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

III. Definitions

A. Consent

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of each person an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence do not, alone, constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity.

The existence of a dating relationship or past sexual relations between the Complainant and Respondent will never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:

1. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
 - a. asleep or unconscious;
 - b. unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
 - c. unable to communicate due to a mental or physical condition.

Note: Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs, or taking medication.

B. Complainant: A person alleged, in a report to the Title IX Officer, to have experienced Prohibited Conduct.

C. Preponderance of Evidence: A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

D. Respondent: A person alleged, in a report to the Title IX Officer, to have engaged in Prohibited Conduct.

IV. Prohibited Conduct

A. Sexual Harassment:

Any unwelcome sexual advance or conduct that creates an intimidating, hostile, or offensive environment. Any conduct of a sexual nature that makes a member or employee uncomfortable has the potential to be sexual harassment. CSC will not tolerate sexual harassment and will discipline any wrongdoers. Any form of harassment is encouraged to be reported. CSC will investigate fully any complaint received and will not tolerate retaliation against anyone who complains about sexual harassment.

a. Sexual Harassment is when:

i. Quid Pro Quo: a person's submission to unwelcome sexual conduct is implicitly or explicitly made the basis for employment decisions, evaluation or other decisions affecting participation at Cal Sailing Club or activity; or

ii. Hostile Environment: unwelcome sexual or other sex-based conduct is sufficiently severe, persistent or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the employment or other programs or activities, and creates an environment that a reasonable person would find to be intimidating or offensive.

b. Sexual conduct includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

c. Other sex-based conduct includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, gender identity, gender expression, sex- or gender-stereotyping, or sexual orientation.

d. Consideration is given to the totality of the circumstances in which the conduct occurred.

e. This Policy will be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and will not be interpreted to prohibit expressive conduct that is protected by the free speech.

B. Sexual Violence:

a. Sexual Assault - Penetration: Without the consent of the Complainant, penetration, no matter how slight, of:

- the Complainant's mouth by a penis or other genitalia; or
- the Complainant's vagina or anus by any body part or object.

b. Sexual Assault - Contact: Without the consent of the Complainant, intentionally:

- touching Complainant's intimate body part (genitals, anus, groin, breast, or

buttocks);

- making the Complainant touch another or themselves on any intimate body part; or
- touching the Complainant with one's intimate body part, whether the intimate body part is clothed or unclothed.

C. Stalking

Repeated conduct directed at a Complainant (for example, following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual, romantic or other sex-based nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress. Stalking that is not sex-based.

- Stalking that is sex-based includes conduct motivated by gender, gender identity, gender expression, sex-or gender stereotyping, or sexual orientation.
- [California Law](#)
- [Federal Law](#)

D. Invasions of Sexual Privacy.

- a. Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- b. Without a person's consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- c. Using depictions of nudity or sexual activity to extort something of value from a person; or.
- d. Threatening to post or share depictions of nudity or sexual activity unless a person takes a particular action.