



## Standard Operating Procedures for a Report of Misconduct

Spirit of Atlanta, Inc. (Hereafter, SOA or Spirit of Atlanta) policies establish standards of conduct for Spirit of Atlanta participants. Participants include performers, staff, volunteers, board members, and any other person considered to have business with Spirit of Atlanta. These Standard Operating Procedures apply to any reported violation provided to Spirit of Atlanta.

Spirit of Atlanta will use these procedures to assess the fitness and eligibility of an individual to participate in the events of SOA under the authority of SOA bylaws, policies, and board of directors.

A report filed with Spirit of Atlanta does not release the reporting party from any other legal obligation to report. Reports must also be made to relevant state and federal agencies as required by law.

### Confidentiality

Spirit of Atlanta will strive to maintain the confidentiality of all parties involved in the reporting, investigation, and resolution process. SOA does not, and cannot, guarantee absolute confidentiality.

1. SOA will report all allegations of child abuse to relevant state or federal agencies.
2. SOA may be required to disclose information contained in a report or learned during an investigation. Reasons for disclosure include, but are not limited to, the following:
  - A. Relevant state and/or federal law;
  - B. Mandatory reporting related to Child Abuse and Sexual Misconduct;
  - C. SOA's right, as allowed by law, to publicly correct any misrepresentation related to the reporting, investigation, and resolution process; and
  - D. Disclosure to Drum Corps International as a member corps.
3. Relevant state and federal laws may also impose other requirements on the parties. Each party is responsible for understanding what legal requirements, if any, apply to their conduct.

## **Impartiality**

1. SOA's process of intake, investigation and resolution of individual reports is intended to be independent from conflicts of interest, personal bias, or undue influence from any one person or role. Accordingly, only Legal Counsel, the board members responsible for participant safety, and select members of administration will be involved in decisions regarding individual reports or resolutions. Access to reports will be limited to the Executive Director, their designee and select board members.
2. Anyone within SOA who has a conflict of interest with someone involved in a report will recuse themselves from involvement in the case.
3. Despite the above, it is also critical the Board of Directors has oversight over, and accountability for, ensuring a fair and efficient process and enforcement of such policies. Accordingly, the Board may receive sufficient information (e.g. anonymized or aggregated data) to ensure that the policies are being followed and resolutions are timely.

## **Participant Rights**

SOA is committed to protecting the privacy of all parties in a matter. The organization will make reasonable efforts to protect the privacy of individuals, while balancing the need to investigate the matter thoroughly and taking any necessary steps to protect the safety of participants of Spirit of Atlanta.

1. All persons involved in a report of misconduct through the SOA process have the right to be treated with dignity and respect by all parties.
2. Claimants, witnesses and reporting parties have a right to participate in the SOA process without publicly disclosing their identities or experiences and may request their identities to be treated as confidential as permitted under these procedures. However, their identities must be disclosed to law enforcement or legal counsel if requested or subpoenaed.
3. Neither the Claimant nor Respondent are required to participate in the investigation. However, full cooperation and participation in the investigative process is important to ensure that all relevant information and evidence are presented to determine whether a violation occurred. If a Claimant or Respondent declines to participate in the process, SOA will make its decision based on the available evidence. Evidence will not be allowed if requested and refused, once the matter has been closed.
4. Throughout the process, both the claimant and respondent have the right to choose and consult with an advisor who can be an attorney, parent, or spouse. This advisor cannot be

any person who is not otherwise a party, witness, or involved in the investigation. For purposes of confidentiality, the person may not be a peer. The advisor may accompany the claimant or respondent, respectively, at any meeting or proceeding related to the investigation or resolution, but is limited as a witness to the proceedings.

5. SOA will notify parents of minors and reserves the right to notify parents of adult performers concerning any situation of misconduct involving their child.
6. Attempting to find out who made a report or investigate the matter themselves may constitute an Abuse of Process which is a separate violation of the SOA policy.

## **Submission and Review of Reports**

### Reports

1. Any person—including without limitation members, staff, volunteers, board members, parents and any person with knowledge of misconduct regardless of affiliation with SOA—may report a violation to SOA.
2. Reports should be submitted to SOA through the website portal.
3. Each Report will be treated as a confidential submission to the extent allowed by law and governing policy.

### Review of Reports

SOA Executive Director and Safety Officer will review all reports to determine the Tier and initial response, in their discretion, the appropriate response and to identify:

1. If any information must be reported to law enforcement;
2. If there are grounds to report to Drum Corps International;
3. When and if appropriate to include other members of the Board of Directors and/or Drum Corps International;
4. If immediate notification to parents or legal guardians must be made; and
5. Immediate course of action for the purposes of safety.

## **Interview and Investigation Process**

1. All parties involved in a report of misconduct will be interviewed separately and in a private location. The reporting party (Claimant) will be interviewed first for all relevant information. If the reporting party is not the Claimant, but a third-party reporter, the person making the

report will be interviewed first, claimant or affected party second, and respondent (person accused) third.

2. The person conducting the investigation shall interview all parties in the presence of another SOA official. If one is not available, SOA will designate the highest-ranking staff member as an observer.
3. Before the interview, all parties will be explained their right to not participate in the process. Each party will be informed of their right to confidentiality and privacy to the extent SOA can legally maintain such information. The parties involved will be asked to maintain the privacy of situation to only parties who need to know to avoid any contamination of the investigation. The intent of such a request is to protect the privacy all parties involved. SOA reserves the right to assess any abuse of process for a deliberate breach of confidentiality.
4. SOA will notify parents of minors and reserves the right to notify parents of adult performers of any situation of misconduct involving their child at any point during the investigation process.
5. All interviews will follow the same format of questioning and use the approved interview form.
6. Documentation of each interview will be taken and then filed as part of the official record of the event.
7. All information gathered, and any written summary prepared by the Investigator, is confidential and privileged work product of Spirit of Atlanta.
8. SOA will review the written summary and any other information that SOA deems appropriate in its reasonable discretion.
9. After its review, SOA Executive Director, Safety Officer and select board members will determine, in its discretion, the resolution method which can include:
  - a. No finding;
  - b. Safety protocol implemented such as separation of involved parties;
  - c. Immediate suspension until such a time when the investigation is completed, and findings have been determined;
  - d. Removal from all activities and separated from SOA events; or
  - e. Fired, dismissed, or sent home.
  - f. SOA reserves the right to hire an independent investigator to gather information related to a report of misconduct.

## **Documentation and Findings**

Findings of any incident of misconduct will be reported to the full SOA Board of Directors at the first opportunity following the incident. The Board President of SOA reserves the right to call an immediate session at any time. All documentation related to any report of misconduct will be kept with SOA in the following format:

1. File created per incident;
2. Any documentation collected such as initial report, interview notes, conversations with parents, discussions of decisions made by board members, shall be kept in the file associated with the incident; and
3. Access to reports available to only those involved with participant safety, legal counsel and others deemed necessary to have access to such reports by the Board President of SOA.