**Spirit of Atlanta, Inc. 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.

*\*\*The role of Spirit of Atlanta within the realm of investigations is not that of a criminal investigative entity. SOA's investigations are solely focused on policy violations. Forensic investigations related to criminal matters will be entrusted to law enforcement agencies.*

**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:
3. Relevant state and/or federal law;
4. Mandatory reporting related to Child Abuse and Sexual Misconduct;
5. SOA’s right, as allowed by law, to publicly correct any misrepresentation related to the reporting, investigation, and resolution process; and
6. Disclosure to Drum Corps International as a member corps.
7. 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. The claimant and respondent retain the privilege of seeking guidance from an advisor.
	1. An advisor must not have any role as a witness or direct involvement in the investigation.
	2. While this advisor can offer support, they may not speak on behalf of the claimant or respondent.
	3. To maintain confidentiality, the advisor cannot be a current performing member.
	4. A parent is allowed to accompany the claimant or respondent in any meeting or proceeding related to the investigation or resolution but is restricted to serving as a witness.
	5. If either party is represented, legal counsel is permitted to attend the proceedings. No other parties may participate in formal 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**

1. Reports
2. 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.
3. Reports should be submitted to SOA through the website portal.
4. Each Report will be treated as a confidential submission to the extent allowed by law and governing policy.
5. Review of Reports

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

1. If any information must be reported to law enforcement;
2. Whether to proceed to an investigation;
3. If there are grounds to report to Drum Corps International;
4. When and if appropriate to include other members of the Board of Directors and/or Drum Corps International;
5. If immediate notification to parents or legal guardians must be made; and
6. 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 investigator has the discretion to conduct interviews with specific individuals in the presence of another SOA official. Should the interview not involve a second party, the individual being interviewed retains the option to request the presence of an additional SOA official as a witness during their interview.
3. Prior to the interview, all parties will be apprised of their right to abstain from participating in the process. Each party will be informed of their entitlement to confidentiality and privacy within the bounds of legal constraints as maintained by SOA. The involved parties will be encouraged to limit the dissemination of information regarding the situation only to those who genuinely need to know, in order to prevent any compromise to the integrity of the investigation. This request aims to safeguard the privacy of all parties involved. SOA retains the authority to scrutinize any instances of process abuse and deliberate breaches 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. Documentation of each interview will be taken and then filed as part of the official record of the event.
6. All information gathered, and any written summary prepared by the Investigator, is confidential and privileged work product of Spirit of Atlanta.
7. SOA will review the written summary and any other information that SOA deems appropriate in its reasonable discretion.
8. After its review, SOA Executive Director, Safety Officer and select board members will determine, in its discretion, the resolution method which can include:
	1. No finding;
	2. Safety protocol implemented such as separation of involved parties;
	3. Immediate suspension until such a time when the investigation is completed, and findings have been determined;
	4. Removal from all activities and separated from SOA events; or
	5. Fired, dismissed, or sent home.
9. SOA reserves the right to hire an independent investigator to gather information related to a report of misconduct.

**Documentation and Findings**

Findings of any Tier 3 incident 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.

**Quick Guide to Reporting**

**Incident Reporting Guide**

The utilization of incident reports is paramount for our organization as they serve as invaluable tools for learning from past events, identifying potential risks, and implementing proactive measures to enhance safety and efficiency.

An incident report is a factual, objective, and professional document of an adverse event, including all relevant details that caused it and any outcomes that stemmed from it.

Incident reports encompass a wide range of situations including but not limited to the following:

* Injuries necessitating immediate medical attention.
* Any call to 911 or law enforcement.
* Falls resulting in harm, whether from a prop or environmental factors such as a wet floor.
* Theft.
* Vehicle accidents or crashes.
* Cases of food poisoning.
* Missing students.
* Instances of suicide ideation or suicide attempts.
* Student behavior causing significant disruptions to corps activities.

***\*Reports of misconduct and violations of the safe interaction policies should be reported through Face Up.***

**Staff Responsibilities:**

All staff and volunteers are obligated to complete an incident report within 8 hours of an adverse event. The incident report forms are accessible on the website under the Spirit Safe tab.

Please use the following guide when completing an incident report.