

KERRVILLE FOLK FESTIVAL

Kerrville Folk Festival Foundation Discrimination, Sexual Harassment & Consent Policy

Kerrville Folk Festival Foundation (“KFFF”) strives to create and maintain an environment where people are treated with dignity, decency and respect. The community at Kerrville Folk Festival Foundation events should be characterized by mutual trust and the absence of intimidation, oppression, discrimination, sexual harassment and exploitation.

Kerrville Folk Festival Foundation and its staff, volunteers, vendors and guests shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, or sexual orientation in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers and vendors, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, volunteers, vendors and guests.

KFFF prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment includes any verbal or physical conduct designed to threaten, intimidate or coerce; verbal taunting (including racial and ethnic slurs) is prohibited.

Any allegations of assault, rape, or other actions against persons that would constitute violations of criminal law will be reported to law enforcement for investigation and determination of appropriate action.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, sexual identity, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, sexual identity, appearance, disability, marital or other protected status.

KFFF prohibits any person from sexually harassing or harming any other person at any time on KFFF property and/or during any KFFF functions.

Common courtesy, mutual consent and considerate behavior towards one another regardless of position or role within the festival are fostered and respected. All forms of sexual misconduct fail to meet standards expected of the staff, volunteers, vendors and guests.

Sexual misconduct refers to any action that is unwanted and/or not welcomed by the recipient. Written, verbal, physical and/or visual contact with sexual implications may constitute sexual misconduct. Any unwanted conduct of a sexual nature, whether outright or implicit, that creates an intimidating, hostile, or humiliating environment for that recipient, is sexual misconduct. Additionally, it is considered sexual misconduct when the recipient is unable to provide consent, legally or otherwise, or has been coerced.

- Physical examples include but are not limited to: touching, patting, pinching, impeding/blocking movement, assault, rape, and/or any other unsolicited physical contact regardless of what someone is wearing and/or any previous contact.
- Verbal examples include but are not limited to: unwelcome verbal advances, sexually oriented comments, unwanted and unwelcome jokes of a sexual nature, offensive flirtation or lewd remarks, comments on a person's sexual orientation, and/or remarks of a sexual nature, continued requests and/or suggestions for sexual activity after it has been made clear that such requests and/or suggestions are unwelcome.
- Written examples include but are not limited to: suggestive or obscene letters, notes, and/or invitations.
- Visual examples include but are not limited to: leering/stalking, sexual gestures, and/ or display of sexually offensive objects or pictures.

KFFF definition of Consent is as follows:

Voluntary, informed, un-coerced agreement through words and actions freely given, that a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate. Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion. •

The existence of a prior or current relationship does not constitute consent. • Consent can be withdrawn or modified at any time.

- Consent is not implicit in a person's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute

consent.

- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

Engaging in sexual activity with an incapacitated individual whose perception or judgment is so impaired that they are incapable of making an intentional decision to participate (and therefore unable to consent), constitutes sexual misconduct. Indications that consent is not present include, but are not limited to:

- the use of physical force or a reasonable belief of the threat of physical force •

duress

- one person overcoming the physical limitations of another person
- intoxication or other mental impairment
- the age of the individual. Texas state law considers persons under the age of 17 to be "incapable of consenting to a sexual act". Section 22.011 Texas Penal Code

Reporting Avenues Available to Support this Policy

All incidents must be documented on a Kerrville Folk Festival Foundation incident report and given to a Head of Safety, Staff Coordinator or Executive Director. All complaints of sexual misconduct must be taken seriously to ensure disciplinary actions are appropriate.

Upon receipt of an Incident Report, an investigation will be conducted to determine appropriate action in response to an incident; for this reason, it is important to report an incident in a timely manner where possible. We will strive to maintain as much confidentiality as possible under the circumstances, both during the investigation process and the disciplinary process. Any threats or retaliation in response to an incident, the investigation, or disciplinary action by an individual or by proxy, will also be considered an incident and may subject that individual and/or the proxy to additional disciplinary action.

Disciplinary actions may include but are not limited to: removal and/or ban from KFFF properties, removal and/or a ban from KFFF events, a ban on volunteering for KFFF events, notifying law enforcement agencies, a verbal or written warning, requirement to attend educational courses, mediation, and/or other procedures TBD.